



---

## LYCOMING COUNTY

### COMPLAINT FOR CUSTODY 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.*

*Non-Refundable*

## **GENERAL INTRODUCTION**

The information, forms, and instructions in this packet will allow you to file the appropriate documents in order to ask for physical custody of your child or children, or to ask for periods of partial custody/visitation with them (times that the children spend with you, according to a particular schedule). When you file for something “on your own” with no attorney representing you, it is called “filing pro se.”

## **BEFORE YOU DECIDE TO FILE**

There are some points to consider before you make the decision to file for custody.

1. If there is already a Custody Order, you must petition Family Court to modify that order using a Petition to Modify an Existing Order. It is necessary that you use the same caption of the previous Order. Request that a conference be scheduled. You can do this pro se (on your own), and forms are available at North Penn Legal Services, Penn Tower, 25 West Third Street, Suite 400, Williamsport, PA 17701.
2. If you and the other parent are pretty much in agreement about custody and visitation, you can file a Stipulation which includes your agreement. After you file it, you will get a Court Order signed by a Judge which confirms your agreement. You can do this pro se (on your own), and forms are available at North Penn Legal Services, Penn Tower, 25 West Third Street, Suite 400, Williamsport, PA 17701.
3. If the child or children live with you and the other parent doesn't spend much time with them, that may change if you decide to “go to court.” Sometimes when a parent files in order to obtain a Custody Order, the other parent comes to the Family Court Conference and expresses an interest in having a schedule of partial custody which he or she has not formerly expressed. The Family Court Hearing Office will generally give that parent a regular schedule of partial custody, unless there is a Children and Youth recommendation or a psychologist's report which would restrict the parent's contact with the children. Even if there is a Protection Order because the father has abused the mother, this will usually not restrict the father's right to partial custody. Therefore, you may want to delay filing anything if things are satisfactory without an Order.

**PLEASE READ ALL INSTRUCTIONS AND INFORMATION BEFORE BEGINNING TO FILL OUT THE FORMS!**

**PLEASE READ ALL DOCUMENTS AFTER COMPLETING THEM, BEFORE SIGNING THEM, TO BE SURE THEY ARE COMPLETE AND TRUTHFUL!**

## CUSTODY TERMS

- LEGAL CUSTODY** - Means the legal right to make major decisions affecting the best interest of a minor child, including, but not limited to, medical, religious, and educational decisions.
- SHARED LEGAL CUSTODY** - Means the right of more than one individual to legal custody of the child.
- SOLE LEGAL CUSTODY** - Means the right of one individual to exclusive legal custody of the child.
- PHYSICAL CUSTODY** - The actual physical possession and control of a child.
- PRIMARY PHYSICAL CUSTODY** - Means the right to assume physical custody of the child for a majority of the time.
- PARTIAL PHYSICAL CUSTODY** - The right to take possession of a child away from the custodial parent for a certain period of time.
- SHARED PHYSICAL CUSTODY** - Means the right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.
- SOLE PHYSICAL CUSTODY** - Means the right of one individual to exclusive physical custody of the child.
- SUPERVISED PHYSICAL CUSTODY** - Means custodial time during which an agency or an adult designated by the Court, or agreed upon by the parties, monitors the interaction between the child and the individual with those rights.

**PERSON ACTING AS  
A PARENT**

- A person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

**RELOCATION**

- Means a change in residence of the child which significantly impairs the ability of a non-relating party to exercise custodial rights.

**MYTHS AND REALITIES**

**MYTH:** The father is the parent responsible for supporting the child.

**REALITY:** The law states that both parents have an equal obligation to support their children; however, the amount of the support obligation depends on many factors. The most important factor is the income of each parent. If the parties fail to agree to the amount of support each shall pay, the court, after taking evidence to a Hearing Officer, will make a recommendation. Child support orders may always be modified. If either party suffers a substantial change in his/her financial or employment status, the court will review the parties' situation and may enter a new order which could increase or decrease either party's obligation. A child's right to support is an important legal right and should be protected vigorously.

**MYTH:** If a parent does not pay child support, then that parent does not have a right to spend time with the child.

**REALITY:** It is important for parents to understand that child support and the parental rights of custody are generally viewed as separate issues by the court. Where support payments are not being made because visitation is being withheld, the child is the one to suffer. A parent should not deny the non-custodial parent the right of visitation because they are behind in their support payments. The court will not prevent a parent from seeing a child just because the parent has not made support payments.

**MYTH:** If the child is living with the mother, and the mother and father have never been married, the mother has legal custody of the child and the father cannot take the child.

**REALITY:** Without a court order for custody, each parent has an equal right to have the child live with her/him and to make decisions about the child. A parent does not have legal custody of a child just because the child is living with her/him. Legal custody requires a custody order from a court giving the person the right to make decisions about the child. A custody order spells out specific rights and responsibilities about physical custody, visitation, and decision making for the child. There are various types of custody, including legal custody, physical custody (actual physical possession and control of the child), partial custody (the right to take the child away from the custodial parent for a period), and visitation (the right to visit the child, usually under supervision). (Please see the definitions of custody terms immediately preceding this section.) It is important for any custody agreement to be entered as a Court Order.

**MYTH:** The mother will always be given custody of a young child, even if it is up to the court to decide.

**REALITY:** The court will award custody to either the mother or the father after considering what is in the “best interests of the child.” Courts do not base the decision on how angry or bitter the parents are toward each other. The court determines the custody award based on what is the best interests of the child.

**MYTH:** Once a court order is obtained regarding custody, it can never be changed.

**REALITY:** A court decision about custody may be changed by the court at any time, if one of the parents petitions to modify the court order, and if there is some reason to do so.

**MYTH:** If one parent has custody of the child, that parent can deny visitation to the other parent if they so desire.

**REALITY:** Even though one parent may have primary custody, the other parent is granted, except under unusual circumstances, partial custody rights. Although many custodial parents often express their desires that the non-custodial parent be denied contact “because he’s always drunk and high,” or, “because she’s living with another man,” such reasons alone will not be legally sufficient to eliminate a parent’s right to be with her/his child. Only if it can be shown that a parent’s addiction or tendency to physical violence or emotional instability, will have or has had a harmful affect upon the child, will then non-custodial parent’s rights be limited. Usually, expert professional evidence is required to justify such a determination. The courts do, however, have the discretion to place conditions upon a person’s right to spend time with the child. If, indeed, the court has evidence that the non-custodial parent may harm the child or act improperly toward the child, the court may restrict the visitation to a supervised setting.

**MYTH:** If there is a Custody Order which does not address relocation or change of school district, a parent with physical custody can relocate without court's permission.

**REALITY:** A parent with a Custody Order in place cannot relocate the child out of the county, state, country, or to another school district without permission of the court.

## INSTRUCTIONS

### COMPLETING THE COMPLAINT FOR CUSTODY

#### FIRST DOCUMENT – MOTION COVER SHEET

**Complete caption (heading)** by printing clearly (DO NOT WRITE). You are the Plaintiff and the other party is the Defendant. Use middle initials, spell correctly, and print neatly or type.

#### SECOND DOCUMENT – ORDER AND NOTICE

Caption should be completed as on first document cover sheet. **Complete the first three lines on the Order** by printing the Defendant's name in the first blank and the child or children's names in the second blank.

**(Do not do anything further on this sheet.)**

#### THIRD DOCUMENT – ENTRY OF APPEARANCE AS SELF REPRESENTED PARTY

Caption should be completed as on first and second document. Check appropriate boxes and sign and date completed form.

#### FOURTH DOCUMENT – COMPLAINT FOR CUSTODY

(Caption should be completed as on first document- cover sheet.) The numbers below correspond with numbers on the Complaint.

1. Print your name and your correct address.
2. Print the other party's name and correct address. **Note:** If grandparents or other third parties are involved, there will be more than one Defendant, as both parents must always be parties. Simply add in additional phrases such as "Defendant John Doe is the paternal/maternal grandparent."
3. Read the list of statements {(a), (b), (c), (d) & (e)}. Check each line space that applies and fill in appropriate dates and counties. You may check more than one statement.
4. Print the appropriate word to show which party is mother and which is father. List all children's full names, dates of birth, and present ages. If there are more than four children, list others on back of sheet. If no more than four, cross out (over) which is printed below the four lines.

- Print the appropriate word to reflect with whom the children presently live. Then give the required information about the children’s residences. You must describe where and with whom the children have lived for the past five years (or since birth, if younger than five years). List addresses in chronological order, beginning with earliest date. You may list a town and state if it is not in Lycoming County (no street address). If in Lycoming County, you should include the street address and town. You should include the dates at each residence as closely as you are able. Use the back of the sheet if necessary. If you do not use the back, cross out (Over). See example below:

| <u>People in that Home</u>  | <u>Address</u>                           | <u>Dates</u>     |
|-----------------------------|--|------------------|
| Plaintiff & Defendant       | 123 Broad Street<br>Montoursville, PA    | 6/87 to 7/89     |
| Plaintiff                   | R.D. #4<br>Montgomery, PA                | 7/89 to 12/91    |
| Plaintiff & present husband | 2800 West Second St.<br>Williamsport, PA | 12/91 to present |

- Part 6 contains information as to any prior or other pending custody actions. Be sure to attach previous Orders. The **first section** refers to any prior custody hearings. Check “yes” or “no.” If you check “yes”, complete the blanks as indicated. The **second section** refers to any pending action in Pennsylvania. If you know of any other custody action involving the children, you must complete this section. If you check “no”, then you do not give any further information. The **third section** refers to any other persons who have custody or have had custody for a period of time in the past. If you check “no”, then you do not give any more information. If someone other than the Plaintiff or Defendant has had custody for a period of six months or more during the past five years, you should check “yes” and give the name and address of that person on the blank line.
- Print “physical custody” if you want the children to live with you or if you want periods of time when the children are with you (weekends, holidays, etc). In addition, print legal custody if you want the right to make major decisions affecting the best interest of the minor child, including, but not limited to, medical, religious, and educational decisions.
- The purpose of this part is to be sure that notice will be given to all people who are required to be notified. Check all statements which apply.

In the “**WHEREFORE**” statement, print “physical and/or legal” (the same as you did in No. 7).

**Sign the Complaint** on the first line and print your name on the line below.



**Sign the Verification** at the end. Complete the caption on the verification sheet. You are subject to penalties if you include false information in the Complaint.

**MAKE SURE ENTIRE FORM IS COMPLETED. DO NOT LEAVE ANY SECTIONS BLANK. DOCUMENT WILL BE RETURNED BY COURT IF NOT COMPLETED.**

**FIFTH DOCUMENT – COMPLETED CRIMINAL/ABUSE HISTORY VERIFICATION**

**SIXTH DOCUMENT – BLANK CRIMINAL/ABUSE HISTORY VERIFICATION**

To be sent to other party, along with Order and Notice of Conference. Other party must fill out this form and file with the court.

**COPIES**

After you have completed the forms, clip them together in order, with the Order and Notice on the front. You will then need to get copies made. You need a copy for yourself, one for the Defendant, one for each additional Defendant, and one for the Prothonotary. After you have copies made, staple them in order. **\*NOTE:** You will want to wait to make copies, if you are also filing a request to proceed without paying costs. After you complete **all** the forms, you may make copies according to these instructions and the instructions for the Petition To Proceed Without Paying Costs. (See next pages for the instructions to ask the court to proceed without paying.) If you are not asking the court to waive the costs, you may copy the Complaint and Order now, and skip to the directions for filing the documents on page 29.

**LYCOMING COUNTY COURT OF COMMON PLEAS  
MOTION COVER SHEET**

|           |   |   |
|-----------|---|---|
|           | : | Docket No:  |
| Plaintiff | : |   |
| vs.       | : | Case Assigned to Judge [name]                         |
|           | : | <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 requested:</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<br/>(attach supporting documentation)</p> <p><input type="checkbox"/> Expedited Consideration. State the basis:<br/>_____</p> <p><input type="checkbox"/> Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8.</p> <p><input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p> <p>5. Time Required: _____</p> | <p>6. Name and addresses of all counsel of record and unrepresented parties:</p><br><br><br><br><br><br><br><br><br><br><p style="text-align: center;">Court Scheduling Technician<br/> <input type="checkbox"/> Continued on a Separate Sheet.</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.  See order attached.  See separate order issued this date.
6.  Other: \_\_\_\_\_.

|       |      |
|-------|------|
|       |      |
| Judge | Date |

**c: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE. NOTICE:** The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

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

**ORDER AND NOTICE**

You, \_\_\_\_\_, (non-filing party), have been sued in Court to (obtain/modify)(shared legal custody)(sole legal custody)(partial physical custody)(primary physical custody) (shared physical custody)(sole physical custody)(supervised physical custody) of the child(ren):

\_\_\_\_\_

If you fail to appear at the scheduled hearing/conference, an order for custody, partial custody, or visitation may be entered against you, or the Court may issue a warrant for your arrest.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliation), but not later than 30 days after service of the Complaint or Petition.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa. C.S. §5337 and Pa. R.C.P. No. 1915.17, regarding relocation.

**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><b>If you do not have a lawyer contact:</b></p> <p><b>Pennsylvania Bar Association<br/>Lawyer Referral Service<br/>100 South Bend Street, P.O. Box 186<br/>Harrisburg, PA 17108-0186<br/>(800) 692-7375</b></p> | <p><b>If you cannot afford a lawyer, you may be eligible for legal aid through:</b></p> <p><b>North Penn Legal Services<br/>25 West Third Street, Suite 400<br/>Williamsport, PA 17701<br/>(570) 323-8741</b></p> |
|--|---|

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 American 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.**

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

**ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY**

- I am  Plaintiff  Defendant in the above-captioned case.
- I intend to represent myself in the  custody  divorce  protection from abuse  paternity case.

**Check only one box in Question 3**

- This is a new case and I am representing myself in this case and have decided ot to hire an attorney to represent me, or
   
 This is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me, or
   
 This is not a new case. \_\_\_\_\_ previously represented me in this case.

(Name of Attorney)

I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

\_\_\_\_\_

I requested that attorney to acknowledge his/her withdrawal as my attorney in this case by signing this form.

\_\_\_\_\_, Esquire.

(Attorney Signature)

- I am entering my appearance as a self-represented party \_\_\_\_\_.
   

(Your Signature)

- I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

\_\_\_\_\_  
 I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

- I am not providing my address because I reside at a confidential location protected by the Protection From Abuse Act, 23 Pa. C.S. §6112 and/or the Address Confidentiality Program, 23 Pa. C.S. §6701-6713, and/or the Child Custody Act, 23 Pa. C.S. §5336(b).

- My telephone number where I can be reached is \_\_\_\_\_.

- My telephone number is confidential pursuant to the Protection From Abuse Act, 23 Pa. C.S. §6112 and/or the Child Custody Act, 23 Pa. C.S. §5366 ( c).

- I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

- I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space).

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

- I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.

Date: \_\_\_\_\_

Your Signature: \_\_\_\_\_

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

**COMPLAINT FOR CUSODY**

1. The Plaintiff is \_\_\_\_\_, residing at

\_\_\_\_\_  
(Street, City, County, State, and Zip Code)

Plaintiff's phone number is \_\_\_\_\_.

2. The Defendant is \_\_\_\_\_, residing at

\_\_\_\_\_  
(Street, City, County, State, and Zip Code)

Defendant's phone number is \_\_\_\_\_.

3. Plaintiff and Defendant:

- Were married on \_\_\_\_\_.
- Were never married.
- Were never married but lived together from \_\_\_\_\_ to \_\_\_\_\_.
- Have lived separately since \_\_\_\_\_.
- Were divorced in \_\_\_\_\_ County on \_\_\_\_\_ (date).

4. Plaintiff is the \_\_\_\_\_ and Defendant is the \_\_\_\_\_.  
(mother/father) (mother/father)

Plaintiff seeks  custody  partial physical custody  primary physical custody  shared physical custody  sole physical custody  supervised physical custody of the following children:

| <u>FULL NAME</u> | <u>DATE OF BIRTH</u> | <u>AGE</u> |
|------------------|----------------------|------------|
|                  |                      |            |
|                  |                      |            |
|                  |                      |            |
|                  |                      |            |

(OVER)

5. The children are presently living with \_\_\_\_\_. During  
(Plaintiff or Defendant)  
 the past five years (or since the date of birth, if younger than five years) the child(ren) have resided as follows:

| <b>PEOPLE IN THAT HOME</b> | <b>ADDRESSES/PLACES</b> | <b>DATES (From __ To __)</b> |
|----------------------------|-------------------------|------------------------------|
|                            |                         |                              |
|                            |                         |                              |
|                            |                         |                              |
|                            |                         |                              |

(OVER)

6. I participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child(ren) in this or another court. YES \_\_\_\_\_ NO \_\_\_\_\_

If "Yes", the litigation took place in \_\_\_\_\_ County under the file or Case No. \_\_\_\_\_. Custody was given to \_\_\_\_\_.

A copy of that Order is attached. Yes \_\_\_\_\_ No \_\_\_\_\_

Plaintiff has information of a custody proceeding concerning the child(ren) pending in a Court of this Commonwealth. Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", the court, term, and number, and caption are: \_\_\_\_\_  
\_\_\_\_\_.

I know of someone other than myself or the Defendant who has physical custody of the child(ren), or has had custody in the past, or claims to have custody or visitation rights with respect to the child(ren). Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", the name and address of such person is: \_\_\_\_\_  
\_\_\_\_\_.

Is there a Protection from Abuse Order in effect. Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, attach a copy.

7. The best interest and permanent welfare of the child(ren) will be served by granting \_\_\_\_\_ custody to me.  
(physical and/or legal)

8. \_\_\_\_\_ Each parent is a named party (either Plaintiff or Defendant) to this action.

\_\_\_\_\_ Other persons who have had custody or partial custody are:

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_ None. (Check here if no one other than Plaintiff or Defendant ever had Custody.)

\_\_\_\_\_ Copies of these completed and signed documents will be provided to:

\_\_\_\_\_

(Name and Address)

\_\_\_\_\_

(Name and Address)

9. a. If the Plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa. C.S. §5323, you must plead facts establishing standing pursuant to 23 Pa. C.S. §5324(3).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. If the Plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa. C.S. §5325, you must plead facts establishing standing pursuant to §5325.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



c. If the Plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa. C.S. §5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing.

---

---

---

---

10. I have attached the Criminal Record/Abuse History Verification form required Pursuant to Pa. R.C.P. No. 1915.3-1.

WHEREFORE, Plaintiff requests the Court to grant  custody  partial custody  visitation  shared legal custody  sole legal custody  partial physical custody  primary physical custody  shared physical custody  sole physical custody  supervised physical custody of the child.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Print Name Here) *pro se*

I verify that the information above is true and correct to the best of my knowledge, information, or belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

|   |   |  |
|---|---|--|
| <div style="text-align: right; margin-right: 50px;">Plaintiff</div> | : | IN THE COURT OF COMMON PLEAS OF<br>LYCOMING COUNTY, PENNSYLVANIA |
| vs.   | : | CIVIL ACTION – LAW<br>CUSTODY                                    |
| <div style="text-align: right; margin-right: 50px;">Defendant</div> | : | NO.  |

**CRIMINAL RECORD/ABUSE HISTORY VERIFICATION**

I, \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa. C.S. §6307 to any of the following crimes in Pennsylvania, or a substantially equivalent crime in any other jurisdiction, including pending charges:

| <b>Check all that apply</b> | <b>Crime</b>  | <b>Self</b> | <b>Other Household Member</b> | <b>Date of Conviction, Guilty Plea or Pending Charges</b> | <b>Sentence</b> |
|-----------------------------|---|-------------|-------------------------------|---|-----------------|
|                             | 18 Pa. C.S. Ch. 25 (relating to criminal homicide)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §2702 (relating to aggravated assault)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §2706 (relating to terroristic threats) |             |                               |   |                 |
|                             | 18 Pa. C.S. §2709.1 (relating to stalking)          |             |                               |   |                 |
|                             | 18 Pa. C.S. §2901 (relating to kidnapping)          |             |                               |   |                 |
|                             | 18 Pa. C.S. §2902 (relating to unlawful restraint)  |             |                               |   |                 |

| Check all that apply | Crime  | Self | Other Household Member | Date of Conviction, Guilty Plea or Pending Charges | Sentence |
|----------------------|--|------|------------------------|--|----------|
|                      | 18 Pa. C.S. §2903 (relating to false imprisonment)   |      |                        |  |          |
|                      | 18 Pa. C.S. §2910 (relating to luring a child into a motor vehicle or structure)               |      |                        |  |          |
|                      | 18 Pa. C.S. §3121 (relating to rape)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3122.1 (relating to statutory sexual assault)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §3123 (relating to involuntary deviate sexual assault)                             |      |                        |  |          |
|                      | 18 Pa. C.S. §3124.1 (relating to sexual assault)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3125 (relating to aggravated indecent assault)                                    |      |                        |  |          |
|                      | 18 Pa. C.S. §3126 (relating to indecent assault)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3127 (relating to indecent exposure)  |      |                        |  |          |
|                      | 18 Pa. C.S. §3129 (relating to sexual intercourse with animal)                                 |      |                        |  |          |
|                      | 18 Pa. C.S. §3130 (relating to conduct relating to sex offenders)                              |      |                        |  |          |
|                      | 18 Pa. C.S. §3301 (relating to arson and related offenses)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §4302 (relating to incest)   |      |                        |  |          |
|                      | 18 Pa. C.S. §4303 (relating to concealing death of a child)                                    |      |                        |  |          |
|                      | 18 Pa. C.S. §4304 (relating to endangering welfare of children)                                |      |                        |  |          |
|                      | 18 Pa. C.S. §4305 (relating to dealing in infant children)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §5902(b) (relating to prostitution and related offenses)                           |      |                        |  |          |
|                      | 18 Pa. C.S. §5903(c ) or (d) (relating to obscene and other sexual materials and performances) |      |                        |  |          |

| <b>Check all that apply</b> | <b>Crime</b>  | <b>Self</b> | <b>Other Household Member</b> | <b>Date of Conviction, Guilty Plea or Pending Charges</b> | <b>Sentence</b> |
|-----------------------------|---|-------------|-------------------------------|---|-----------------|
|                             | 18 Pa. C.S. §6301 (relating to corruption of minors)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6312 (relating to sexual abuse of children)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6318 relating to unlawful contact with minor)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6320 (relating to sexual exploitation of children)   |             |                               |   |                 |
|                             | 18 Pa. C.S. §6114 (relating to contempt for violation of protection order or agreement)                                   |             |                               |   |                 |
|                             | Driving under the influence of drugs or alcohol   |             |                               |   |                 |
|                             | Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device |             |                               |   |                 |

2. Unless indicated by my checking the box next to an item below, neither I nor any other member in my household have a history of violent or abusive conduct, or involvement with a Children and Youth agency, including the following:

| Check all that apply | Crime   | Self | Other Household Member | Date |
|----------------------|---|------|------------------------|------|
|                      | A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction    |      |                        |      |
|                      | Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania, or similar statute in another jurisdiction        |      |                        |      |
|                      | Involvement with a Children and Youth Agency or similar agency in Pennsylvania or another jurisdiction.<br><br>Where?: _____<br>— |      |                        |      |
|                      | Other:  |      |                        |      |

3. Please list any evaluation, counseling, or other treatment received following conviction or finding of abuse.

---



---



---

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth, and relationship to the child.

---



---

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

---

---

I verify that the information above is true and correct to the best of my knowledge, information, or belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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

**CRIMINAL RECORD/ABUSE HISTORY VERIFICATION**

I, \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa. C.S. §6307 to any of the following crimes in Pennsylvania, or a substantially equivalent crime in any other jurisdiction, including pending charges:

| Check all that apply | Crime   | Self | Other Household Member | Date of Conviction, Guilty Plea or Pending Charges | Sentence |
|----------------------|---|------|------------------------|--|----------|
|                      | 18 Pa. C.S. Ch. 25 (relating to criminal homicide)  |      |                        |  |          |
|                      | 18 Pa. C.S. §2702 (relating to aggravated assault)  |      |                        |  |          |
|                      | 18 Pa. C.S. §2706 (relating to terroristic threats) |      |                        |  |          |
|                      | 18 Pa. C.S. §2709.1 (relating to stalking)          |      |                        |  |          |
|                      | 18 Pa. C.S. §2901 (relating to kidnapping)          |      |                        |  |          |
|                      | 18 Pa. C.S. §2902 (relating to unlawful restraint)  |      |                        |  |          |

| Check all that apply | Crime  | Self | Other Household Member | Date of Conviction, Guilty Plea or Pending Charges | Sentence |
|----------------------|--|------|------------------------|--|----------|
|                      | 18 Pa. C.S. §2903 (relating to false imprisonment)   |      |                        |  |          |
|                      | 18 Pa. C.S. §2910 (relating to luring a child into a motor vehicle or structure)               |      |                        |  |          |
|                      | 18 Pa. C.S. §3121 (relating to rape)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3122.1 (relating to statutory sexual assault)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §3123 (relating to involuntary deviate sexual assault)                             |      |                        |  |          |
|                      | 18 Pa. C.S. §3124.1 (relating to sexual assault)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3125 (relating to aggravated indecent assault)                                    |      |                        |  |          |
|                      | 18 Pa. C.S. §3126 (relating to indecent assault)   |      |                        |  |          |
|                      | 18 Pa. C.S. §3127 (relating to indecent exposure)  |      |                        |  |          |
|                      | 18 Pa. C.S. §3129 (relating to sexual intercourse with animal)                                 |      |                        |  |          |
|                      | 18 Pa. C.S. §3130 (relating to conduct relating to sex offenders)                              |      |                        |  |          |
|                      | 18 Pa. C.S. §3301 (relating to arson and related offenses)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §4302 (relating to incest)   |      |                        |  |          |
|                      | 18 Pa. C.S. §4303 (relating to concealing death of a child)                                    |      |                        |  |          |
|                      | 18 Pa. C.S. §4304 (relating to endangering welfare of children)                                |      |                        |  |          |
|                      | 18 Pa. C.S. §4305 (relating to dealing in infant children)                                     |      |                        |  |          |
|                      | 18 Pa. C.S. §5902(b) (relating to prostitution and related offenses)                           |      |                        |  |          |
|                      | 18 Pa. C.S. §5903(c ) or (d) (relating to obscene and other sexual materials and performances) |      |                        |  |          |



| <b>Check all that apply</b> | <b>Crime</b>  | <b>Self</b> | <b>Other Household Member</b> | <b>Date of Conviction, Guilty Plea or Pending Charges</b> | <b>Sentence</b> |
|-----------------------------|---|-------------|-------------------------------|---|-----------------|
|                             | 18 Pa. C.S. §6301 (relating to corruption of minors)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6312 (relating to sexual abuse of children)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6318 relating to unlawful contact with minor)  |             |                               |   |                 |
|                             | 18 Pa. C.S. §6320 (relating to sexual exploitation of children)   |             |                               |   |                 |
|                             | 18 Pa. C.S. §6114 (relating to contempt for violation of protection order or agreement)                                   |             |                               |   |                 |
|                             | Driving under the influence of drugs or alcohol   |             |                               |   |                 |
|                             | Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device |             |                               |   |                 |

2. Unless indicated by my checking the box next to an item below, neither I nor any other member in my household have a history of violent or abusive conduct, or involvement with a Children and Youth agency, including the following:

| Check all that apply | Crime  | Self | Other Household Member | Date |
|----------------------|--|------|------------------------|------|
|                      | A finding of abuse by a Children and Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction |      |                        |      |
|                      | Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania, or similar statute in another jurisdiction     |      |                        |      |
|                      | Involvement with a Children and Youth Agency or similar agency in Pennsylvania or another jurisdiction.<br><br>Where?: _____   |      |                        |      |
|                      | Other:   |      |                        |      |

3. Please list any evaluation, counseling, or other treatment received following conviction or finding of abuse.

---



---



---

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth, and relationship to the child.

---



---

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

---

---

I verify that the information above is true and correct to the best of my knowledge, information, or belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## **COSTS FOR FILING CUSTODY ACTION**

### **INTRODUCTION**

In order to file a new Court action, there is a filing fee which must be paid to the Prothonotary. This fee changes from time to time. You may check with the Prothonotary to find out how much it costs to file a new custody action.

If your income would make you eligible for a free attorney and you don't think you can pay the filing fees or other costs, you may ask the Court to waive some or all of the costs. You will need to fill out another form, separate from the Complaint for Custody.

The form which you are required to fill out is the Petition To Proceed Without Payment of Fees and Costs. Once this is filed, the Court will consider the information in this Petition to decide whether to allow you to proceed without having to pay the filing fees.

If you can afford to pay the filing fee, you will have to do so. The Court waives these costs only in cases where income is extremely low.

## **FILLING OUT THE FORM**

1. Order To Proceed Without Payment of Fees and Costs Caption. Fill in the names of the parties (Plaintiff and Defendant) as you have done on the earlier forms. Do not write a docket number in the right hand side of the caption, as this will be assigned by the Prothonotary.

There is nothing more for you to fill out on this sheet of the form. If the Court grants the Petition, your custody action can proceed. If not, you will have to pay the costs in order to continue.

2. Petition To Proceed Without Payment of Fees and Costs

This section of the form is quite clear. You are asked to fill in facts about your personal situation and finances, employment, income, expenses, debts, and assets. Be sure to include income from all sources, including government benefits like Public Assistance, unemployment compensation, and food stamps. Don't forget money which your spouse receives, if you are married; from your parents if they help you; from friends or other family members; or from an Order for child support. **Be sure to include all payment obligations, such as utilities, groceries, clothing, transportation, and other categories of expenses.** Finally, identify all persons who depend on your income for support, including children who live with you.

Sections 4 and 5 of this Petition are important. Be sure that you read these paragraphs. They require you to inform the Court of any improvement in your financial situation which might permit you to pay some or all of the costs at a later date. When you date and sign the Petition after paragraph 5, you are promising that the information you have filled in is true. There will be consequences if you make false statements.

You have now completed the forms necessary to request the Court to allow you to proceed without paying the costs. You need to place the Order to Proceed Without Payment Of Costs on top of the Petition To Proceed Without Paying the Costs. **You will need to make one copy of the Petition and two copies of the Order.**

If you did not make copies of the Complaint For Custody, Motion Cover Sheet, and the Order and Notice, you should do so at this time. (Refer to the instructions under Copies, for the custody forms.) To prepare the forms having to do with costs, staple one copy of the Order to Proceed on top of one copy of the Petition To Proceed Without Payment of Costs. Staple the original forms which you filled out together in the same order (with the Order on top) and leave the extra copy of the Order separate. (You will need the extra copy of the Order only if you are required to have the Defendant served by a Deputy Sheriff.) You are now ready to file all of the papers with the Prothonotary.

**YOU NEED TO ANSWER ALL THE QUESTIONS IN THE DOCUMENT. THE COURT WILL SEND IT BACK IF YOU DO NOT FILL IN THE ENTIRE FORM.**

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

**ORDER TO PROCEED WITHOUT  
PAYMENT OF FEES AND COSTS**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon  
consideration of the within Petition, it is hereby ordered that the Plaintiff shall/shall not be  
permitted to proceed in this matter without payment of fees and costs.

BY THE COURT,

\_\_\_\_\_  
J.

|     |  |           |  |   |
|-----|--|-----------|--|---|
|     |  | Plaintiff |  | : IN THE COURT OF COMMON PLEAS OF<br>: LYCOMING COUNTY, PENNSYLVANIA<br>: |
| vs. |  |           |  | : CIVIL ACTION – LAW<br>: CUSTODY   |
|     |  | Defendant |  | :<br>: NO.  |

**PETITION TO PROCEED WITHOUT PAYMENT OF FEES AND COSTS**

1. I am the Plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct.

(a) Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

(b) Employment

If you are presently employed, state

Employer: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

If you are presently unemployed, state:

Date of last employment: \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

(c) My present income is from: \_\_\_\_\_

(d) The amount is: \_\_\_\_\_

I also receive: Amount

Food Stamps \_\_\_\_\_ \$ \_\_\_\_\_

Child Support \_\_\_\_\_ \$ \_\_\_\_\_

In the past 12 months, my household has changed. Prior to the change, income was available from \_\_\_\_\_, who resided with me. He/she had an income from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. We have not lived together since \_\_\_\_\_.

In the past 12 months, my own income has been from \_\_\_\_\_, in the amount of \$ \_\_\_\_\_.

HOUSEHOLD INCOME:

(e) At the present time, I am married to someone other than the Defendant, and we reside together.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name: \_\_\_\_\_

His/her income is from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.



Others who help support my household:

Children \_\_\_\_\_ Yes\_\_\_\_ No\_\_\_\_

Parents \_\_\_\_\_ Yes\_\_\_\_ No\_\_\_\_

Others \_\_\_\_\_ Yes\_\_\_\_ No\_\_\_\_

(f) Persons dependent upon you for support:

Spouse – Name:

\_\_\_\_\_

Children in home:

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Other Persons:

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

(List others at bottom of page)

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are 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: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printe Name Here *pro se*

## **HOW TO FILE THE COMPLAINT AND PETITION**

You are now ready to file. Take all of your papers to the Prothonotary's Office on the first floor of the Lycoming County Courthouse at 48 West Third Street, Williamsport, on any weekday (Monday through Friday) between 8:30 a.m. and 5:00 p.m. If you are asking for Court to waive the filing fee, you should have two different groups of papers. The first group includes the completed Complaint for Custody, with the Order and Notice and the Motion Cover Sheet on the front. The second group includes the completed Petition To Proceed Without Payment of Costs, with the Order To Proceed on the front. The completed Criminal/Abuse History Verification, and a blank Criminal/Abuse History Verification must be attached. You must also file the Entry of Appearance As A Self-Represented Party. The first group contains an original and at least three copies, and the second group contains an original and one copy, plus an additional copy of the Order To Proceed.

Present the two groups of papers to the Prothonotary. If you choose to pay the filing fee, you may do so, and you would then not file a Petition To Proceed Without Payment Of Costs. The Prothonotary will give the case a number and will file stamp all of the documents. The Prothonotary will keep the necessary forms to submit to the Judge so that it can be determined whether you qualify to have your costs waived, and will also submit the form necessary for a Family Court Conference to be scheduled. Because the scheduling may take a number of days, you should ask the Prothonotary when you need to return to pick up the copies.

When the Order To Proceed Without Payment Of Costs is signed and the Family Court Conference is scheduled, you will go to the Prothonotary to pick up all of the file-stamped copies. The original documents which you filled out become part of the permanent court records and remain in the Prothonotary's Office. Of the copies, you should keep one copy of each document for yourself. Put everything which you must have with you (copies, receipts, notices, this set of instructions, etc.) in an envelope or folder and keep it in a safe place. You must have this with you when you go to the conference.

You must then promptly serve one copy of the Motion Cover Sheet, Order and Notice, Complaint For Custody, completed Criminal/Abuse History Verification, and a blank Criminal Abuse/History Verification, as well as the Entry of Appearance As A Self-Represented Party, upon each Defendant. (You do not serve a copy of the Petition To Waive Costs or the Order To Proceed on any Defendant.) Go to the next set of instructions to find out how to serve the Defendant.

## HOW TO SERVE THE COMPLAINT, MOTION COVER SHEET, AND ORDER AND NOTICE

It is not adequate to simply talk to the other party (Defendant) about the custody action or the conference date. A copy of the papers must be sent to the Defendant, following the instructions below. You must give the Defendant legal notice that you have filed for custody. This kind of notice is described as “service.”

Service of the Motion Cover Sheet, Order and Notice, Complaint, and a blank Criminal Record/Abuse History Verification is **YOUR** responsibility. The documents may be served by certified mail and regular mail, or personal service.

### CERTIFIED MAIL AND REGULAR MAIL:

To serve by this method, you must send the Motion Cover Sheet, Order and Notice, Complaint, and a blank Criminal Record/Abuse History Verification by **certified mail, with return receipt requested and restricted delivery AND regular mail** to the Defendant’s address. “Restricted delivery” means that the return receipt must be signed by the Defendant only.

When you go to the post office, someone at the window can give you the forms to send the certified mail. The cost **MUST** be paid at that time.

When you send the certified mail, you will be given a “sender’s receipt” (a little white receipt). Keep this receipt to include with your proof of service. For the time being, put this receipt into your folder of papers to save.

You should mail the documents to the Defendant as soon as possible after you pick them up from the Prothonotary’s Office. The Defendant must receive them ***at least ten (10) days before the conference date.***

Once the Defendant has signed the green receipt, indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the Defendant’s signature on it. When you receive that green receipt, you must save it. It is to be included with your original receipt and attached to the Affidavit of Service.

The Affidavit of Service for certified mail should be completed and filed with the Prothonotary as soon as you receive the return receipt from the Defendant. The sender’s receipt (the little white receipt that you got at the post office) and the green card with the Defendant’s signature should be stapled to the Affidavit of Service when it is filed.

The Affidavit of Service is quite simple to fill out. It states that on a certain date you mailed a correct copy of the Motion Cover Sheet, Order and Notice, Complaint, and a blank Criminal Record/Abuse History Verification by certified mail to the Defendant's address. It also says that the Defendant received it on a specific date. That date is on the green receipt. Go to the next section to find out how to prepare and file the Affidavit of Service.

If the certified mail is refused by the Defendant, but the regular mail is not returned within fifteen (15) days, service may be considered complete. If mail is returned unclaimed, service will need to be made another way.

### **PERSONAL SERVICE:**

You can have a person who is 18 years of age or older, who is neither a party to the action nor an employee or relative of a party to the action serve the papers. Therefore, if you are the person filing the Motion Cover Sheet, Order and Notice, Complaint, and a blank Criminal Record/Abuse History Verification, you should not serve the papers yourself, and you should not have anyone who is related to you or who works for you, serve the papers.

The person who serves the legal papers on the opposing party(ies) must do it in the manner required by law. The person can serve the papers by:

- (a) handing a copy to the other party; or
- (b) by handing a copy to an adult member of the family with whom the other party resides; or
- (c) by handing a copy of the papers to an adult person in charge of the residence at the time (example: babysitter, etc.); or
- (d) by going to the opposing party's usual place of business and handing a copy to the opposing party's agent (one that acts for or representative of) or to the person in charge.

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

IT IS IMPORTANT TO SERVE THE OTHER PARTY AS SOON AS POSSIBLE. You want to make every effort to serve the other party as soon as possible so that the other party has notice in time for the hearing. If you did not serve the other party in time for them to have a reasonable notice and opportunity to prepare for the hearing, the Court may take adverse action against you and/or may schedule the hearing for a later date. Service **must occur within 30 (thirty) days from the date you filed the Complaint for Custody**. (Otherwise, you will need to reinstate the Petition.)

## **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 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, 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  
 \_\_\_\_\_, :  
 Defendant : NO.

**AFFIDVIT OF PERSONAL SERVICE**

I, \_\_\_\_\_, certify that I am a competent adult who is  
 (person serving other parent/party)  
 18 years 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 and Order, Complaint for Custody, and a blank Criminal

Record/Abuse History Verification 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/am-pm)

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: \_\_\_\_\_



## FAMILY COURT CUSTODY CONFERENCE

After you file the Complaint for Custody, Motion Cover Sheet, and Order and Notice, and a completed Criminal/Abuse History Verification, a conference will be scheduled with the Family Court Hearing Officer. The Family Court Hearing Officer is an attorney who was appointed by the Court to try to settle custody matters. In Lycoming County, there are currently two Hearing Officers.

YOU MUST ATTEND THE CONFERENCE. The children **DO NOT** attend the conference. The Defendant may attend and has the right to ask the Family Court Hearing Officer either for legal custody, physical custody, and/or visitation. (For definitions of these terms and a better understanding of the Defendant's rights, review the introductory material at the front of this packet.)

The Family Court Hearing Officer will listen to both parties and try to work out an agreement. If there is not an agreement, the Family Court Hearing Officer will suggest a temporary resolution, describe what the Order might say, and assign a pre-trial date and a trial week. The Hearing Officer may also make a referral for a psychological evaluation or home study.

The Family Court Hearing Officer will mail the recommended Order, confirmed by a Judge's signature, to you and to the Defendant. That Order will either be a final Order, approving the agreement which you and the Defendant made; or it will be an "Interim Order" providing a temporary schedule until a hearing before the Judge. As long as this is the Order in effect, YOU MUST FOLLOW IT. Even if you decide to take some further action, as described below, YOU MUST CONTINUE TO FOLLOW THE ORDER UNTIL IT IS CHANGED.

If you strongly disagree with the Family Court Hearing Officer's Order, you may need to consult the Family Court or the Court Administrator about your right to do something to change the Order. You must act as soon as you receive papers from the Hearing Officer containing the Order before ten (10) days have passed. You may also want to consult an attorney, who can discuss with you the possibility of further proceedings before a Judge.

Should a significant change in circumstances arise after entry of an Interim Order and before the pre-trial conference necessitating a modification of the Interim Order, which modification cannot be amicably agreed upon pending the pretrial conference, either party may file a motion for reconsideration of the interim order, setting forth all pertinent facts in support thereof or verified by the filing party. The Court Administrator shall refer such motion to the hearing officer who entered the interim order. Based on the allegations of the motion, the hearing officer may take any one or more of the following actions deemed appropriate under the circumstances: (1) enter an order summarily denying the motion; or (2) hold a telephone or other conference with counsel for both parties, or (3) after providing the opposing party an opportunity to respond, enter a modified interim order; or (4) direct that the matter be resolved at the pre-trial conference.

A person who intentionally violates the Order can be in contempt of court. Either party may be brought before the Court if they are in contempt of the Order. It is also a criminal offense in Pennsylvania to take a child in violation of a Court Order.

**THE NEXT FEW PAGES CONTAIN HELPFUL INFORMATION FOR YOU TO HAVE. SOME OF IT MAY BE NEW TO YOU. IT WILL BE HELPFUL TO REFER TO THESE LISTS FROM TIME TO TIME.**

In preparation for the Family Court conference, you need to keep the following points in mind and be sure that you provide relevant information for the Hearing Officer.

- A. How long have you and the other parent lived separately?
  - Since separation, where and with whom has the child primarily lived?
- B. While you and the other parent lived together, who was primarily responsible for the care of the child?
  - Did you both share pretty much equally in the child's care?
- C. If the child primarily lives with you, does the other parent have the child with him or her on a regular basis?
  - Have you been cooperative in arranging for the child to be with the other parent?
- D. If the child primarily lives with the other parent, do you have the child with you on a regular basis?
  - If not, why not?
  - Has the other parent denied you contact with the child?
- E. Does either parent have a history of alcoholism, drug abuse, violent crime, suicide attempts?
  - If so, have these problems affected the child, or might they affect the child or the parent-child relationship in the future?
- F. Does either parent have a history of abuse of the child or an extremely difficult relationship with the child?
- G. Does either parent do things to interfere with the child's relationship with the other parent?

**IN ANY SITUATION WHERE PARENTS DO NOT LIVE TOGETHER, THEY HAVE RESPONSIBILITIES TO THEIR CHILD. PLEASE TRY YOUR BEST TO FOLLOW THESE GUIDELINES:**

**DO:**

1. Develop a plan to permit the child to have a regular schedule of time with each parent.
2. Spend time with your child regularly, so the child doesn't feel rejected or abandoned.
3. Be sure your child has a specific place that is his/her own, and room for toys and clothes, even if the child primarily lives with the other parent.
4. Allow the child to call the other parent while he/she is spending time with you.
5. Be sure the other parent always has your current address and phone number.
6. Have child ready on time to be picked up by other parent.
7. Be on time when you arrive to pick up the child.
8. Call the other parent immediately if an emergency keeps you from arriving on time.
9. Encourage your child to respect the other parent.
10. Put your child's interest first. Control your negative feelings toward the other parent, so that the two of you can discuss problems and information about the child without fighting.

**DON'T**

1. Do not cancel your plans with your child, except in an emergency. If you must cancel, be sure to let your child know why it is necessary.
2. Do not make promises to your child which you suspect you will not be able to keep.
3. Do not pump child for information about the other parent.
4. Do not expect the other parent to do parenting tasks exactly the same as you would.
5. Do not use the child to carry messages to the other parent.
6. Do not talk with the child about child support disagreements.
7. Do not use child to deliver child support payments.

8. Do not argue with the other parent or call other parent names when child is present.
9. Do not make derogatory comments, call names, or discuss negative aspects of the other parent at any time when the child would hear you.
10. Do not ask the child where he/she wants to live.
11. Do not put the child in a position where he/she must take sides.
12. Do not use the child as a way to hurt the other parent.

Pro se forms\custody complaint.lyc