

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>CRT</b>		<b>: No. 08-20,918</b>
	<b>Plaintiff</b>	<b>:</b>
		<b>:</b>
<b>vs.</b>		<b>: CIVIL ACTION - LAW</b>
		<b>:</b>
<b>MRW</b>		<b>:</b>
	<b>Defendant</b>	<b>: CUSTODY</b>

**ORDER**

**AND NOW**, this 1<sup>st</sup> day of **August, 2013**, after a hearing held on July 16, 2013, in regard to service of the Petition for Modification, it is hereby **ORDERED** and **DIRECTED** that a Custody Conference shall be scheduled on Mother's Motion to Modify Custody for **September 6, 2013, at 9:00 a.m. in Room 310.**

The issue before the Court today is whether or not mailing notice of the hearing on the Petition to Modify Custody mailed to Father's last known address is acceptable service pursuant to Pa. Rule of Civil Procedure 440. It is noted that the mail was returned indicating "Return to Sender. Attempted-Not Known Unable to Forward". In light of the fact that the request before the Court is to modify a final custody order, it is the Court's position that service must be made on Father in such a manner that the Court is satisfied that he has received service.

As it is clear that Mother is unable to locate Father's current address, Mother is hereby granted permission to serve Father by publication pursuant to Pa. Rule of Civil Procedure 440.

By the Court,

Joy Reynolds McCoy, Judge