



# CUSTODY PACKET

# CHILD CUSTODY PACKET

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## INTRODUCTION

Child custody cases in Pennsylvania can be challenging. The purpose of this packet is to provide you with the information and documents you may need to start or respond to child custody actions. Please read/look through the entire packet before completing any forms. For questions or additional assistance, please contact the PA Safe Law Civil Legal Information Program at 833-727-2335 or your local legal assistance office.

**Thank you for allowing us to assist you!**

## INSTRUCTIONS

### Types of Custody

You may file for **PHYSICAL CUSTODY**, **LEGAL CUSTODY**, or both. **Legal custody** is the authority to make major, non-emergency decisions for a child. **Physical Custody** is the keeping and having actual physical control of a child. There are several types of physical custody and two types of legal custody, as listed below:

#### Physical Custody

**Sole:** One parent or guardian has physical custody of the child all of the time.

**Primary:** The child spends the majority (more than half) of the time with one parent or guardian. The other parent may get partial or supervised custody, as described below.

**Shared:** The child spends roughly equal time with both parents/guardians.

**Partial:** The child spends less than half of the time with a parent or guardian.

**Supervised:** A parent or guardian is allowed periods of time with the child but only in the presence of an agency representative or other court-appointed adult.

#### Legal Custody

**Shared:** Both parties have the right to make major decisions for the child.

**Sole:** One party makes all major decisions for the child.

### Who Can Ask For Custody?

The following individuals can seek any form of legal or physical custody of a child.

- A **parent** of a child.

- A person who stands **in loco parentis** to a child. A person is in loco parentis if they are “in the place of the parent,” i.e., they have acted as a parent and taken on the daily duties of raising the child, including food, clothing, shelter, discipline, etc.
- A **grandparent** of a child who does not stand in loco parentis to a child **BUT**
  - whose relationship with the child began either with the consent of a parent or under a court order; **AND**
  - who is willing to take responsibility for the child; **AND**
    - The child has been determined to be “dependent” under Pennsylvania’s child abuse and neglect law; **OR**
    - The child is substantially at risk due to parental abuse, neglect or drug or alcohol abuse or incapacity; **OR**
    - The child has lived with the grandparent for at least 12 consecutive months and is removed from the home by the parent(s). In this case, the grandparent must file for custody within **SIX** months after removal of the child.

## Grandparents

Grandparents and great-grandparents may also file for partial or supervised physical custody under the following circumstances:

- They are the parent or grandparent of the child’s deceased parent; **OR**
- The relationship with the child began either with the consent of a parent or under a court order, and the parents of the child:
  - have started a custody case; **AND**
  - do not agree whether the grandparents or great-grandparents should have custody; **OR**
- The child has, for a period of at least 12 consecutive months, lived with the grandparent or great-grandparent until removed from that home by the parents. The custody action must be filed within six months after the parents remove the child from the grandparents’ home.

## How to Start a Custody Action?

If there is no custody order in place, you will need to file a Custody Complaint in order to start the case. You will need the following information:

- The name and address of the other parent or guardian(s), referred to as “the defendant;”
- The child’s name, date of birth, and current address. However, you will only put the child’s initials and their age in the actual complaint or petition;
- The address/location of all of the places the child lived for the past five years, the dates during they lived in each place, and names of anyone else who also lived with them;
- The name and current address of the child’s birth mother and father, if different from the plaintiff/defendant);
- The name of any person living in your home, other than the child(ren), and their relationship to you;
- The name of any person living in the defendant’s home, other than the child(ren), and their relationship to them;
- The name and address of any person you know, other than the defendant, who has physical custody of the child or could bring a custody claim.

If a custody order is already in place and you feel that the order is not in the best interest of the child(ren), you can file a Petition to Modify a Custody Order. Although you can file a Petition to Modify a Custody Order at any time, the court will not consider the petition if a custody order was recently entered or agreed upon and there has not been a significant change in circumstances. If a custody order is already in place and the other party is not following it, you can file a Petition for Civil Contempt of a Custody Order. If the court finds that the other party purposely disobeyed the custody order, it will hold them in contempt and punish them with fines, forcing them to pay your attorney’s fees, the loss of a driver’s license, or even jail so that they will follow the order in the future. Finally, if a custody order is in place and the other party’s conduct puts the child at immediate risk of serious bodily harm, you can file a Petition for Special Relief alongside a Petition to Modify and/or Petition for Civil Contempt.

You will also need to include several additional forms when you file the complaint or any of the other petitions in this section. You will attach the Certificate of Compliance and the correct Notice and Scheduling Order to the **front** of the complaint/petition. You will attach a signed Verification form, and a UJS Confidential Information Form to the **back** of the complaint/petition. The UJS Confidential Information form is where you will put the Child(ren)’s names and dates of birth. You will also need to complete and file the Criminal Record/Abuse History Affidavit where you will state whether you, or anyone in your household has ever been convicted, pled guilty, pled no contest, or been adjudicated delinquent for any of the crimes listed on the affidavit or otherwise engaged in any abusive conduct.

**Please note** that there may be a fee to file a custody complaint or any other custody petition. If you cannot pay this fee, you can ask that the fees be dropped (“waived”) by filing a Petition to Proceed In Forma Pauperis (IFP) together with the other documents.

## Where to File: Jurisdiction

The Custody Complaint must be filed in the Prothonotary's office of the child(ren)'s "**home county**," which is the county where the child lived with a parent or a person acting as a parent for at least six months, (or since birth if the child is less than six months old), prior to the filing of the Custody Complaint. If you and the child(ren) moved within the last six months to Pennsylvania or to a different county within Pennsylvania, you must wait to file the Custody Complaint until at least six months have passed. Alternatively, you can file in the state or county where you lived previously. Similarly, if the other parent/guardian took the child from the county where you lived, you only have six months after the child leaves the county to file the Custody Complaint, or else you will need to file in the new location. Meanwhile, petitions (modification, contempt, special relief), are only filed in the county where the currently effective order was issued, even if the child no longer lives in that county. You can file a petition in a different county only if neither the child nor either of the child's parents/guardians still lives in the county that issued the custody order.

## Service

Upon completing all the necessary forms for your complaint or petition, you should make two copies and file all three with the Prothonotary's office. The Prothonotary's office will keep the original and return the two time-stamped copies to you. One copy is for you to keep and the other is for you to serve child(ren)'s other parent or guardian. If you are filling a Custody Complaint, you must provide the other party with **original service of process**. However, if you are serving the other party with a petition for modification, contempt, or special relief, you will simply mail them a copy of the document via first class U.S. mail and include a completed Certificate of Service with the petition to let the court know that you mailed it.

### Original Service of Process

If the other parent/guardian lives in Pennsylvania, you have **30 days** from the date you filed (which is time-stamped on the documents) to "serve" or get the paperwork to them. If the other parent/guardian does not live in Pennsylvania, you have **90 days** to serve them with the documents. If you do not serve them with the documents in time, you will have to file a Praecipe to Reinstate the Custody Complaint.

You may serve the documents on the other parent/guardian by one of the following methods:

#### *By Mail*

##### Informal

Send copies of the documents by regular First Class U.S. Mail. You will need to include an Acceptance of Service form.

##### Formal

Send copies of the documents by **Certified U.S. Mail, Restricted, Return Receipt Requested**. The Post Office can assist you with this method. When the other parent/guardian receives the documents, they will have to sign a green receipt card that

will be returned to you. Once you get the green receipt card back, you will complete the Affidavit of Service form and attach the green receipt card.

### *In Person*

#### Informal

If you think it is safe, you can give the documents to the other parent/guardian directly and have them sign the Acceptance of Service form.

#### Formal

Have another adult personally hand the documents to your spouse. The person who delivers the documents will then complete the Affidavit of Service. You can use a sheriff's service, a delivery service, or any other reliable adult person.

After you have served the documents, you will need to make two copies of the signed Acceptance or Affidavit of Service (and any attachments, such as the green receipt card), and file them at the Prothonotary's Office. As before, the court will keep the original and return the copies to you.

## Custody Determination Process

### Office Conference

All custody complaints/petitions are first referred to a **Custody Conciliator** for an **office conference**. (An exception is the case of a Petition for Special Relief, which may be referred directly to a Judge for an immediate temporary order.) The only people allowed to attend are the parents/guardians/grandparents and their attorneys. No witnesses are called, no evidence can be presented, and nothing said during the office conference can be repeated or used at a future hearing. If the parties reach an agreement for custody for during the conference, the judge is notified and the agreement made an Order of Court. However, if the parties do not reach an agreement at the conference, the next step is determined by which county you are in and what was asked for in the Custody Complaint or Petition to Modify a Custody Order.

In most counties, if the parties do not reach an agreement regarding custody at the office conference, the Custody Conciliator will make a report and recommendation and refer the case to a judge who will list it for **trial**. In a few counties, if the Custody Complaint or Petition for Modification seeks partial physical custody or supervised physical custody, failure to reach an agreement at the office conference results in the case being referred to a Hearing Officer for a record hearing. However, the Hearing Officer will not get the case if it involves complex questions of law and/or fact or a party certifies to the court that there are serious allegations about the child's welfare. Until the record hearing or trial, the most recent custody order will remain in place. If no order is currently in place, the judge will often enter a temporary order based on the Custody Conciliator's recommendation or enter an order which keeps custody between the parties as it is.

### Record Hearing or Trial

At both the record hearing and custody trial, the Hearing Officer or Judge will hear testimony, take evidence, and make a record of the trial or hearing. However, there are a few key differences.

At the **record hearing**, the Hearing Officer will make a report and recommendation for an order for partial physical or supervised physical custody. The parties then have 20 days to file **exceptions** to the report and recommendation challenging the hearing officer's findings and conclusions. If no exceptions are filed, the Hearing Officer's recommendation will be entered as an Order of Court. If exceptions are filed, a judge will hear argument on the exceptions and then enter an Order of Court. When an Order of Court is entered, the parties can file **an appeal** if they disagree with the order.

**In a trial**, the judge will enter an Order of Court directly after the trial, and there is no opportunity to file exceptions challenging judge's conclusions. However, after the final order is entered, the parties have 30 days to file **Motion for Reconsideration** and **an appeal**.

### *Custody Factors*

Whether it is a record hearing or trial, the Hearing Officer or Judge's decision is based on a review of 16 factors to decide what is "in the best interest of the child."

1. Which party is more likely to support and allow frequent and continuing contact between the child and the other party;
2. Abuse, past and present, by a party or a member of the party's household, whether there is a continued risk of harm to the child or an abused party, and which party can better protect and supervise the child;
3. Any information related to the consideration of child abuse or an involvement with child protective services;
4. The parental duties performed by each party;
5. The need for stability and consistency in the child's education, family life, and community life.
6. The availability of extended family.
7. The child's sibling relationships;
8. The well-reasoned preference of the child, depending on the child's maturity and/or judgment;
9. Attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child;
10. Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child to support the child's emotional needs;
11. Which party is more likely to look after the daily physical, emotional, developmental, educational, and special needs of the child;
12. The distance between the homes of the parties;
13. Each party's availability to care for the child or arrange for appropriate child-care;

14. The level of conflict between the parties and the willingness and ability of the parties to get along with one another; except where there are issues of abuse/safety;
15. History of drug or alcohol abuse by either party or member of either party's household; and
16. The mental and physical condition of a party or member of a party's household;
17. Any other relevant factor, including the criminal history as indicated on Criminal Record Abuse History Affidavit.).

## Other Custody Issues

### Relocation

If you have physical custody and wish to move to a new residence which would negatively affect the other party's custodial rights, you must seek permission from the other party and possibly the court. Whether or not a move requires approval by the other party or the court will depend on the facts of the case, including how far apart the parties currently live, the parties' current custody schedule, and where the asking party intends to move.

You must first send a **Notice of Relocation** to the other party, with a blank **Counter-affidavit** included. The notice must be sent via **certified mail, restricted, return receipt requested** at least **60 days** before you plan to move. If the counter-affidavit is not completed and filed by the other party within 30 days, you may file a **Petition to Modify** the custody order and the court will allow the relocation. If the other party completes the counter-affidavit and files it on time, the court will schedule a hearing.

A hearing on relocation will proceed much like other custody hearings or trials, with the judge deciding what is in the best interest of the child based on a series of factors.

**If you have any further questions, please contact the PA Safe Law Civil Legal Information Program at 833-727-2335 or your local legal assistance office.**



# FORMS

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## LIST OF DOCUMENTS

- 1) [Praeipice for Pro Se Entry of Appearance](#)
- 2) [Notice to Defend and Conference Scheduling Order for Custody Complaint or Petition to Modify a Custody Order \(English and Spanish\)](#)
- 3) [Custody Complaint](#)
- 4) [Petition to Modify a Custody Order](#)
- 5) [Rule to Show Cause](#)
- 6) [Petition for Special Relief](#)
- 7) [Civil Contempt Scheduling Order \(in English and Spanish\)](#)
- 8) [Petition for Civil Contempt of a Custody Order](#)
- 9) [Verification](#)
- 10) [Certificate of Compliance](#)
- 11) [Criminal Record/Abuse History Verification](#)
- 12) [UJS Confidential Information Form](#)
- 13) [Petition to Proceed In Forma Pauperis](#)

_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**PRAECIPE FOR PRO SE ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter my appearance in the above-captioned matter as a self-represented party. I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record. All pleadings and legal papers can be served on me at the address listed below, which may or may not be my home address pursuant to Pa.R.C.P. 1930.8.

Respectfully submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Address

\_\_\_\_\_

City, State, Zip Code

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\_\_\_\_\_,  
Plaintiff  
v.  
\_\_\_\_\_,  
Defendant

: In the Court of Common Pleas  
: \_\_\_\_\_ County, Pennsylvania  
: Docket No.: \_\_\_\_\_  
:  
: Civil Action – In Law  
: In Custody

**NOTICE AND ORDER OF COURT**

You, \_\_\_\_\_ (Defendant/Respondent), have been sued in court to obtain any form of custody or modify an existing custody order. You are ordered to appear in person at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ at \_\_: \_\_.M. for:

☐ a conciliation or mediation conference.

☐ a pretrial conference.

☐ a hearing before the court.

If you fail to appear as provided by this order, an order for custody 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 THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

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# **AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of \_\_\_\_\_ 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 our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

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

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

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_____	: In the Court of Common Pleas
Plaintiff	: _____ County, Pennsylvania
v.	: Docket No.: _____
	:
_____	: Civil Action – In Law
Defendant	: In Custody

**AVISO Y DECRETO**

Usted, \_\_\_\_\_, ha sido demandado(a) en el tribunal para  
 petionario obtener cualquier clase de Tutela de Menores o modificar un decreto existente para la Tutela  
 de Menores. Se le ordena presentarse en persona en el día \_\_\_\_\_ de \_\_\_\_\_ (mes) del 20\_\_\_\_, a  
 la(s) \_\_\_\_\_ para

- ☐ a una conferencia para un Acto de Conciliación
- ☐ a una conferencia previa al juicio.
- ☐ a Audiencia ante el juzgado

Si no comparece según lo dispuesto en esta orden, se puede emitir una orden de custodia en su  
 contra o el tribunal puede emitir una orden de arresto. Debe presentar ante el tribunal una verificación  
 con respecto a los antecedentes penales o antecedentes de abuso relacionados con usted y con cualquier  
 persona que viva en su hogar en o antes del contacto inicial en persona con el tribunal (que incluye, entre  
 otros, una conferencia con un funcionario de la conferencia o juez o conciliación) pero a más tardar 30  
 días después de la notificación de la queja o petición. Ninguna parte puede hacer un cambio en la  
 residencia de ningún niño que afecte significativamente la capacidad de la otra parte para ejercer los  
 derechos de custodia sin cumplir primero con todas las disposiciones aplicables de 23 Pa.C.S. §5337 y  
 Pa.R.C.P. No. 1915.17 sobre reubicación

DEBE PRESENTAR ESTE PAPEL A SU ABOGADO EN UNA VEZ. SI NO TIENE UN ABOGADO, VAYA O LLAME A  
 LA OFICINA ESTABLECIDA A CONTINUACIÓN. ESTA OFICINA PUEDE PROPORCIONARLE INFORMACIÓN  
 SOBRE LA CONTRATACIÓN DE UN ABOGADO.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_,  
Plaintiff  
v.  
\_\_\_\_\_,  
Defendant

: In the Court of Common Pleas  
: \_\_\_\_\_ County, Pennsylvania  
: Docket No.: \_\_\_\_\_  
:  
: Civil Action – In Law  
: In Custody

### **COMPLAINT FOR CUSTODY**

**AND NOW**, comes \_\_\_\_\_, and in support of this Complaint for Custody respectfully avers as follows:

1. Plaintiff is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania.
2. Defendant is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania.
3. Plaintiff seeks shared (sole/shared) legal custody and (sole/primary/shared) physical custody of the following minor child(ren):

<u>Name</u>	<u>Current Address</u>	<u>DOB</u>	<u>Age</u>
_____ (initials)		XX/XX/XXXX	
_____ (initials)		XX/XX/XXXX	
_____ (initials)		XX/XX/XXXX	

\_\_\_\_\_ (hereinafter “the Child(ren)”) were born within the state of matrimony/out of wedlock.

For the past five years, the Child(ren) have resided with the following person(s) at the following address(es):

<u>Name</u>	<u>Address</u>	<u>Dates</u>

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The mother of the Child(ren) is \_\_\_\_\_, currently residing in \_\_\_\_\_.  
They are (single/married).

The father of the Child(ren) is \_\_\_\_\_, currently residing  
in \_\_\_\_\_. They are (single/married).

4. The relationship of Plaintiff to the Child(ren) is \_\_\_\_\_. In addition to the  
Child(ren), Plaintiff also resides with the following persons:

<u>Name</u>	<u>Relationship</u>

5. The relationship of Defendant to the Child is \_\_\_\_\_. In addition to the  
Child(ren), Plaintiff also resides with the following persons:

<u>Name</u>	<u>Relationship</u>

6. Plaintiff (has/has not) participated as a party or witness, or in another capacity, in other  
litigation concerning the custody of the Child in this or another court.

Plaintiff (has) (has no) information of a custody proceeding concerning the Child(ren)  
pending in a court of this Commonwealth or any other state. The court, term, and number, and its  
relationship to this action is: \_\_\_\_\_

Plaintiff (knows/does not know) of a person not a party to the proceeding who has  
physical custody of the child or claims to have custodial rights with respect to the child(ren).

7. The best interest and permanent welfare of the Child will be served by granting the relief requested.

8. Each parent whose parental rights to the Child have not been terminated and the person who has physical custody of the Child have been named as parties to this action.

9. Pursuant to Pa.R.C.P 1915.3-2, a true and correct copy of Plaintiff's Criminal Record and Abuse History Verification has been filed concurrently with this Complaint for Custody.

**WHEREFORE**, Plaintiff humbly requests that this Honorable Court award them (sole/shared) legal and (sole/primary/shared) physical custody of the Child(ren).

Respectfully submitted,

Dated: \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

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_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**PETITION TO MODIFY A CUSTODY ORDER**

**AND NOW,** comes \_\_\_\_\_, and in support of this Petition to Modify a Custody Order respectfully avers as follows:

1. Petitioner is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

2. Respondent is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

3. Petitioner and Respondent are the natural parents of \_\_\_\_\_ (initials) (“the Child(ren)”).

4. An Order of Court for legal and physical custody of the Child(ren) was entered on \_\_\_\_\_ by the Hon. \_\_\_\_\_. A true and correct copy of the Custody Order is attached hereto.

5. Petitioner seeks (sole/shared) legal custody and (primary/shared) physical custody of the Child.

5. The current Custody Order is not in the best interest of the Child(ren) and should be modified because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Pursuant to Pa.R.C.P. 1915.3-2, Respondent has filed a Criminal Record/Abuse History Verification concurrently with this Petition to Modify a Custody Order.

**WHEREFORE**, Petitioner humbly requests this Honorable Court grant this Petition to Modify the Custody Order award Petitioner with (sole/shared) legal custody and (primary/shared physical) custody of the Child(ren).

Dated: \_\_\_\_\_

Respectfully submitted,

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**RULE TO SHOW CAUSE**

**AND NOW**, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Petition for Special Relief, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause as to why the petitioner is not entitled to the relief requested;
2. The respondent shall file an answer to the petition within 20 days of this date.
3. The petition shall be decided pursuant to Pa.R.C.P. 206.7
4. A hearing/argument on the petition shall be held on \_\_\_\_\_ in Courtroom \_\_\_\_ of the \_\_\_\_\_ County Courthouse.
5. Pending further Order of Court, Petitioner shall have sole legal and sole physical custody of the Child(ren).

BY THE COURT:

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

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



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_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**PETITION FOR SPECIAL RELIEF**

**AND NOW**, comes \_\_\_\_\_, and in support of this Emergency Petition for Special Relief respectfully avers as follows:

1. Petitioner is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

2. Respondent is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

3. Petitioner and Respondent are the natural parents of \_\_\_\_\_ (initials) (“the Child(ren)”).

4. Pursuant to Pa.R.C.P. 1915.13, at any time after commencement of the action, the court may on application or its own motion grant appropriate interim or special relief. The relief may include, but is not limited to, the award of temporary legal or physical custody; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

5. Petitioner seeks an emergency order for sole legal and sole physical custody of the Children because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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6. The Child(ren) are at imminent risk of significant emotional/physical injury and/or bodily harm.

**WHEREFORE**, Petitioner humbly requests that this Honorable Court award them sole legal and sole physical custody of the Child(ren) pending further Order of Court.

Dated: \_\_\_\_\_

Respectfully submitted,

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**NOTICE AND ORDER OF COURT**

Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for custody. If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections. Whether or not you file in writing with the court your defenses or objections, you must appear in person in court on the \_\_\_\_\_ 20\_\_, at \_\_:\_\_.M. in Courtroom \_\_ of the \_\_\_\_\_ Courthouse.

IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the court finds that you have willfully failed to comply with its order, you may be found to be in contempt of court and committed to jail, fined or both.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE 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.

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

BY THE COURT:

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

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

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_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**AVISO Y DECRETO**

Se iniciaron acciones legales contra usted alegando que ha desobedecido voluntariamente una orden del tribunal para su custodia. Si desea defenderse contra la reclamación presentada en las siguientes páginas, puede pero no está obligado a presentar por escrito ante el tribunal sus defensas u objeciones. Independientemente de si presenta o no por escrito ante el tribunal sus defensas u objeciones, debe comparecer en persona en el tribunal el \_\_\_\_ 20\_\_, en \_\_: \_\_.M. en el tribunal \_\_ del \_\_\_\_\_ Palacio de justicia.

SI NO APARECE EN PERSONA, EL TRIBUNAL PUEDE PUBLICAR UNA GARANTÍA PARA SU DETENCIÓN.

Si el tribunal determina que usted ha incumplido voluntariamente su orden, es posible que se lo encuentre en desacato y lo condene a la cárcel, multado o ambos.

DEBE PRESENTAR ESTE PAPEL A SU ABOGADO EN UNA VEZ. SI NO TIENE UN ABOGADO, VAYA O LLAME A LA OFICINA ESTABLECIDA A CONTINUACIÓN. ESTA OFICINA PUEDE PROPORCIONARLE INFORMACIÓN SOBRE LA CONTRATACIÓN DE UN ABOGADO. SI NO PUEDE CONTRATAR A UN ABOGADO, ESTA OFICINA PODRÍA LE PROPORCIONARLE INFORMACIÓN SOBRE LAS AGENCIAS QUE PUEDEN OFRECER SERVICIOS LEGALES A PERSONAS ELEGIBLES POR UNA TASA JUDICIAL REDUCIDA O SIN TASA.

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

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_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	Docket No.: _____
	:	
_____	:	Civil Action – In Law
Defendant	:	In Custody

**PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF A CUSTODY ORDER**

**AND NOW**, comes \_\_\_\_\_, and in support of this Petition for Civil Contempt for Disobedience of a Custody Order respectfully avers as follows:

1. Petitioner is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

2. Respondent is \_\_\_\_\_, an adult individual currently residing in \_\_\_\_\_ County, Pennsylvania. They are the (Plaintiff/Defendant) in the above-captioned matter.

3. Petitioner and Respondent are the natural parents of \_\_\_\_\_ (initials) (“the Child(ren)”).

4. An Order of Court for legal and physical custody of the Child(ren) was entered on \_\_\_\_\_ by the Hon. \_\_\_\_\_. A true and correct copy of the Custody Order is attached hereto.

5. Respondent has willfully failed to abide by the Custody Order in that: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Pursuant to 23 Pa.C.S. §5323(g), a party who willfully fails to comply with any custody order, may be determined to be in contempt, and that contempt shall be punishable by any one or more of the following:

- a. Imprisonment for a period of not more than six months;
- b. A fine of not more than \$500;



- c. Probation for a period of not more than six months;
- d. An order for non-renewal, suspension, or denial of operation privilege pursuant to 75 Pa.C.S. 4355;
- e. Counsel Fees and Costs

7. Pursuant to Pa.R.C.P. 1915.3-2, Respondent has filed a Criminal Record/Abuse History Verification concurrently with this Petition for Civil Contempt for Disobedience of a Custody Order.

**WHEREFORE**, Petitioner humbly requests this Honorable Court find Respondent in Contempt of the Custody Order, award Petitioner with make-up time for the custodial periods missed due to Respondent's disobedience, and fine them \$500.00.

Respectfully submitted,

Dated: \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

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**VERIFICATION**

I, \_\_\_\_\_, verify that the statements made in the foregoing document are true correct to the best of my knowledge, understanding, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

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**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: \_\_\_\_\_

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

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

Attorney No. (if applicable): \_\_\_\_\_

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\_\_\_\_\_,  
Plaintiff

v.

\_\_\_\_\_,  
Defendant

: In the Court of Common Pleas  
: \_\_\_\_\_ County, Pennsylvania  
: Docket No.: \_\_\_\_\_  
:  
: Civil Action – In Law  
: In Custody

### **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 my 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, no contest plea or  
pending charges**

**Sentence**

<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<input type="checkbox"/>	18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____



<input type="checkbox"/>	18 Pa.C.S. §6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. §6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

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

<b>Check all that apply</b>		<b>Self</b>	<b>Other household member</b>	<b>Date</b>
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection From Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction, Where? _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

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 the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.**

---

**Signature**

---

**Printed Name**

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**CONFIDENTIAL  
INFORMATION  
FORM**



*Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*  
204 Pa. Code § 213.81  
[www.pacourts.us/public-records](http://www.pacourts.us/public-records)

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Docket/Case No.

Vs.

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Court

This form is associated with the pleading titled \_\_\_\_\_, dated \_\_\_\_\_.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 1</div> <div>Alternative Reference: FAN 1</div> <div>Alternative Reference: DLN 1</div> <div>Alternative Reference: SID 1</div>
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 2</div> <div>Alternative Reference: FAN 2</div> <div>Alternative Reference: DLN 2</div> <div>Alternative Reference: SID 2</div>

**CONFIDENTIAL  
INFORMATION  
FORM**



Additional page(s) attached. \_\_\_\_\_ total pages are attached to this filing.

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Signature of Attorney or Unrepresented Party

\_\_\_\_\_  
Date

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

Attorney Number: (if applicable) \_\_\_\_\_

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

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.**

**CONFIDENTIAL  
INFORMATION  
FORM**



**Abuse Victim Addendum**

**Instructions for Completing the Abuse Victim Addendum:** The Abuse Victim Addendum shall accompany a filing where confidential information is being provided by an abuse victim, as defined in this policy, **in family court actions** (see Pa.R.C.P. No. 1931(a)), **as required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter.** This addendum, and any additional pages, shall only be provided to the court and shall remain confidential. The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.

<b>Type of Family Court Action</b>		
<input type="checkbox"/> Divorce, Annulment, Dissolution of Marriage	<input type="checkbox"/> Child Custody	
<input type="checkbox"/> Support	<input type="checkbox"/> Paternity	
	<input type="checkbox"/> Protection from Abuse	
<b>This Information Pertains to:</b>	<b>Confidential Information:</b>	<b>References in Filing:</b>
_____ (full name of abuse victim)	AV Address: _____	Alternative Reference: AV 1 Address
_____ Docket/Case No. of Protection Order	AV Employer's Name & Address: _____	Alternative Reference: AV 1 Employer's Name & Address
_____ Court/County	AV Work Schedule: _____	Alternative Reference: AV 1 Work Schedule
	AV Other contact information: _____	Alternative Reference: AV 1 Other contact information

Attach additional page(s) if necessary.

THERE IS NO NEED TO FILE THIS PAGE

\_\_\_\_\_,  
Plaintiff  
v.  
\_\_\_\_\_,  
Defendant

: In the Court of Common Pleas  
: \_\_\_\_\_ County, Pennsylvania  
: Docket No.: \_\_\_\_\_  
:  
: Civil Action – In Law  
: In Divorce

**PETITION TO PROCEED IN FORMA PAUPERIS**

**AND NOW**, comes \_\_\_\_\_, and in support of this Petition Raising Economic Claims respectfully avers as follows:

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. If Employed

i. Name of Employer: \_\_\_\_\_

ii. Address of Employer: \_\_\_\_\_

iii. Salary/Wage: \_\_\_\_\_

iv. Type of Work: \_\_\_\_\_

b. If Unemployed

i. Date of Last Employment \_\_\_\_\_

ii. Name of Employer: \_\_\_\_\_

iii. Address of Employer: \_\_\_\_\_

iv. Salary/Wage: \_\_\_\_\_

v. Type of Work: \_\_\_\_\_

c. Other Income in the Last 12 Months

- i. Self-Employment Income: \_\_\_\_\_
- ii. Interest: \_\_\_\_\_
- iii. Dividends: \_\_\_\_\_
- iv. Pension and/or Annuities: \_\_\_\_\_
- v. Social Security Benefits: \_\_\_\_\_
- iv. Support Payments: \_\_\_\_\_
- v. Disability Payments: \_\_\_\_\_
- vi. Unemployment Compensation: \_\_\_\_\_
- vii. Worker's Compensation: \_\_\_\_\_
- viii. Public Assistance: \_\_\_\_\_
- ix. Other: \_\_\_\_\_

d. Other Contributions to Household Support

- i. Spouse's Name: \_\_\_\_\_
- ii. Spouse's Employer: \_\_\_\_\_
- iii. Spouse's Salary/Wage: \_\_\_\_\_
- iv. Type of Work: \_\_\_\_\_
- v. Contributions from Parents: \_\_\_\_\_
- vi. Contributions from Children: \_\_\_\_\_
- vii. Other Contributions: \_\_\_\_\_

e. Property Owned

- i. Cash: \_\_\_\_\_
- ii. Checking Account: \_\_\_\_\_
- iii. Savings Account: \_\_\_\_\_



iv. Certificates of Deposit: \_\_\_\_\_

v. Real Estate: \_\_\_\_\_

vi. Motor Vehicle: \_\_\_\_\_

vii. Stocks and Bonds: \_\_\_\_\_

viii. Other: \_\_\_\_\_

f. Debts and Obligations

i. Mortgage: \_\_\_\_\_

ii. Rent: \_\_\_\_\_

iii. Loans: \_\_\_\_\_

iv. Other: \_\_\_\_\_

g. Persons Dependent Upon You for Support

i. Spouse: \_\_\_\_\_

ii. Child(ren): \_\_\_\_\_

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.

Dated: \_\_\_\_\_

Respectfully submitted,

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

