

Instructions

Read carefully and follow these directions.

Re: Complaint for Custody or Petition to Modify
Custody/Visitation

Attached is a copy of a Complaint for Custody or Petition to Modify Custody/Visitation form. Please fill out the form and submit an original and two copies of this complaint/petition and Order to the Prothonotary's Office, along with a self-addressed, stamped envelope. Please be sure that you have filled out the entire complaint/petition. Do not make copies of instructions.

9x12 envelope
with \$1.20
postage

The complaint/petition will be given to the Court for scheduling. Once the Court has scheduled your complaint/petition, it will be returned to the Prothonotary's Office who will conform and return your copy or copies to you. You will then be required to serve the complaint/petition along with the registration form for the Education Program for Separated Parents on all interested parties and file proof of service in accordance with the Pennsylvania Rules of Civil Procedure Rule 1930.4(c), which is attached hereto.

There is a filing fee of \$ ^{124⁰⁰} for a Complaint for Custody, Partial Custody or Visitation. The filing fee to file a Petition to Modify an existing Custody order is \$75.50.

PAYABLE TO:

PROTHONOTARY

Enclosure

3/14

You must complete form attached

PLAINTIFF

v.

IN THE COURT OF COMMON PLEAS
PERRY COUNTY, PENNSYLVANIA

NO. _____

DEFENDANT

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I am the Plaintiff Defendant in the above-captioned (MARK ONE) custody, divorce, support, protection from abuse, paternity case.
2. This (MARK ONE) is 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 (check only one box)

- This is NOT a new case and _____ previously represented me in this case. 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.
(Name of Attorney)

I have provided a copy of this form to that attorney listed above at the following address:

OR (check only one box)

- I am entering my appearance as a self-represented party (sign) _____
My attorney acknowledges his/her withdrawal as my attorney in this case.
(Attorney signature) _____, Esq.

3. 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 regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

- This is my home address. This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:00 a.m. – 4:30 p.m. Monday – Friday) is _____ My email address is _____
 My telephone number and email address are confidential pursuant to a Protection From Abuse Order.

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

6. I have provided a copy of this form to 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 _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

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 which could result in a fine and/or prison term.

Date

Signature (Your Signature)

Plaintiff's name (as on previous order) V. : IN THE COURT OF COMMON PLEAS
: OF THE 41ST JUDICIAL DISTRICT
: OF PENNSYLVANIA
: PERRY COUNTY BRANCH
: NO.

Defendant's name (as on previous order) (From previous Order)

ORDER OF COURT

You, _____, (defendant) (respondent), have been sued
in court to (OBTAIN) (MODIFY) custody, partial custody or visitation of the
child(ren): _____

NAME OF OTHER PARTY (circle one)

NAME(S) OF CHILD / REN

You are ordered to appear in person at the Perry County Courthouse, New
Bloomfield, Pennsylvania on _____, 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, partial
custody or visitation may be entered against you or the court may issue a warrant for
your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET
LEGAL HELP.

Lawyers' Referral Service
100 South Street
PO Box 186
Harrisburg, PA 17108
1-800-692-7375

or

Mid Penn Legal Services
213 N. Front Street
Harrisburg, PA 17101
1-800-932-0356

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Perry 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: _____

KATHY A. MORROW, P.J.
KENNETH A. MUMMAH, J.

_____ : IN THE COURT OF COMMON PLEAS
 Plaintiff V. : OF THE 41ST JUDICIAL DISTRICT
 : OF PENNSYLVANIA
 : PERRY COUNTY BRANCH
 _____ : NO. _____
 Defendant

**PETITION FOR MODIFICATION OF A PARTIAL CUSTODY
 OR VISITATION ORDER**

1. The petition of _____ respectfully represents that on
 Your name
 _____, an Order of Court was entered for (PARTIAL CUSTODY)
Date of last custody order
 (VISITATION), **a true and correct copy of which is attached.**

2. This Order should be modified because: _____

WHEREFORE, Petitioner requests that the Court modify the existing Order for
 (PARTIAL CUSTODY) (VISITATION) because it will be in the best interest of the
 child(ren).

SIGN: _____
 Petitioner OR Attorney for Petitioner

I verify that the statements made in this complaint 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.

_____ *Sign:* _____
 Date Petitioner signature

CURRENT ADDRESS & CONTACT INFORMATION

PETITIONER ADDRESS: _____

PETITIONER TELEPHONE: _____

PETITIONER EMAIL: _____

RESPONDENT ADDRESS: _____

RESPONDENT TELEPHONE: _____

RESPONDENT EMAIL: _____

VERIFICATION

I, _____, verify that the statements made in this Petition to Modify
your name
Custody are true and correct. I understand that false statements herein are made subject to penalties of
18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

Date: _____

SIGNATURE: _____

PRINT NAME: _____

Instructions - save & read How to Serve Copies on Parties

Rule **1930.4**. Service of Original Process in Domestic Relations Matters

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

Note: See Rule 76 for the definition of "competent adult".

(b) Service in Protection From Abuse Matters. In Protection From Abuse matters only, original process may also be served by an adult using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) Service by Mail. Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) Acceptance of Service. In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

V. : IN THE COURT OF COMMON PLEAS
: OF THE 41ST JUDICIAL DISTRICT
: OF PENNSYLVANIA
: PERRY COUNTY BRANCH
: NO.

ACCEPTANCE OF SERVICE

I accept service of the _____ (NAME OF DOCUMENT) I certify that I am authorized to accept service on behalf of defendant.

Date

Signature of Defendant or Authorized Agent

Mailing Address

Note: If defendant accepts service personally, the second sentence should be deleted.

(e) Time for Service Within the Commonwealth. Original process shall be served within the Commonwealth within thirty days of the filing of the petition or complaint.

(f) Service Outside of the Commonwealth. Original process shall be served outside the Commonwealth within ninety days of the filing of the complaint:

(1) by any means authorized by this rule; or

(2) in the manner provided by the law of the jurisdiction in which defendant will be served; or

(3) in the manner provided by treaty; or

(4) as directed by the foreign authority in response to a letter rogatory or request.

Note: Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. §§ 5323 and 5329(2), provide additional alternative procedures for service outside the Commonwealth. For Protection from Abuse matters, personal service outside of the Commonwealth must first be attempted before service can be made by certified and regular mail or by any of the other means prescribed in subsection (f) of this Rule for out-of-state service.

(g) Reinstatement of Complaint. If service is not made as required by subdivision (e) or (f) of this rule, the prothonotary upon praecipe accompanied by the original process, or praecipe indicating that the original complaint has been lost or destroyed accompanied by a substituted complaint, shall reinstate the complaint.

(1) A complaint may be reinstated at any time and any number of times. A new party defendant may be named in a reinstated complaint.

(2) A reinstated complaint shall be served as required by subdivision (e) or (f) of this rule.

(h) Proof of Service. Proof of service shall be made as follows:

(1) The person making service of original process shall make a return of service forthwith. If service has not been made within the time allowed, a return of no service shall be made upon the expiration of the period allowed for service.

(2) Proof of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery, and an affidavit that the

regular mail was not returned within fifteen days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service where defendant accepts service of original process.

(i) Appearance at Hearing or Conference. Regardless of the method of service, a party who appears for the hearing or conference will be deemed to have been served.

This new rule replaces the numerous rules which previously governed service of process in domestic relations matters.

- | | | | | | |
|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <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, or involvement with a Children & Youth agency, including the following:

- | Check all that apply | Self | Other household member | Date |
|---|--------------------------|--------------------------|-------|
| <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"/> <u>Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction.</u>
<u>Where?:</u> _____ | <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

* * *

Rule 1915.3-2. Criminal or Abuse History.

(a) **Criminal or Abuse History Verification.** The petitioner must file and serve with the complaint, or any petition for modification, a verification regarding any criminal or abuse history of the petitioner and anyone living in the petitioner's household. The verification shall be substantially in the form set forth in subdivision (c) below. The petitioner must attach a blank verification form to a complaint or petition served upon the respondent. Although the respondent need not file a responsive pleading pursuant to Rule 1915.5, the respondent must file with the court a verification regarding any criminal or abuse history of the respondent and anyone living in the respondent's 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, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition upon the respondent. Both parties shall file and serve updated verifications five days prior to trial.

(b) **Initial Evaluation.** At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. §5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.

Note: The court shall consider evidence of criminal or abusive history presented by the parties. There is no obligation for the court to conduct an independent investigation of the criminal or abusive history of either party or members of their household. The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.

(c) **Verification.** The verification regarding criminal or abuse history shall be substantially in the following form:

(Caption)

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION