

County of Adams

Courts' Self-Help Center – Packets

OBTAINING A CUSTODY ORDER

This packet is to be used to obtain a custody order in Adams County, if no previous custody order has been entered in Adams County.

If you have an existing custody case in Adams County, and you wish to modify an existing custody order, please use the Modification of a Custody Order packet.

DISCLAIMER

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Adams County Bar Association and the Family Law Committee assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375. A list of Attorneys Practicing in Adams County Available for Consultation On Filling Out Self-Help Custody and Divorce Forms can be obtained by inquiring with the Prothonotary, Law Library, Adams County Children and Youth Services, Adams County Domestic Relations Office, or the Office of the Court Administrator.

Packet Last Updated: March 29, 2019

TABLE OF CONTENTS

- I. General Information
 - A. Introduction
 - B. Legal Definitions
 - C. Custody Factors
 - D. Confidential Information
 - E. Criminal Convictions, Charges, and Abuse
 - F. Rules of Civil Procedure
 - G. Basic Procedure
 - H. Service
 - I. Obtaining a Custody Order
 - J. Enforcing a Custody Order
 - K. Modifying a Custody Order
 - L. Relocation
- II. Instructions
 - A. Completing the CONFIDENTIAL INFORMATION FORM
 - B. Completing the ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
 - C. Completing the ORDER OF COURT
 - D. Completing the COMPLAINT FOR CUSTODY
 - E. Completing the Plaintiff's CRIMINAL RECORD / ABUSE HISTORY VERIFICATION
 - F. Completing the Defendant's CRIMINAL RECORD / ABUSE HISTORY VERIFICATION
 - G. Making copies, creating envelopes, and filing with the Prothonotary
 - H. Service
 - I. Completing the CONCILIATION CONFERENCE MEMORANDUM
- III. Checklist for Obtaining a Custody Order
- IV. Forms
 - A. Form #1- CONFIDENTIAL INFORMATION FORM
 - B. Form #2 – ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
 - C. Form #3 – ORDER OF COURT
 - D. Form #4 – COMPLAINT FOR CUSTODY
 - E. Form #5 – Plaintiff's CRIMINAL RECORD / ABUSE HISTORY VERIFICATION
 - F. Form #6 – Defendant's CRIMINAL RECORD / ABUSE HISTORY VERIFICATION
 - G. Form #7 – Affidavit of Service (Certified Mail)
 - H. Form #8 – Affidavit of Service (By Third Party)
 - I. Form #9 – Acceptance of Service
 - J. Form #10 – CONCILIATION CONFERENCE MEMORANDUM

GENERAL INFORMATION

A. Introduction

1. This packet of information has been created by members of the Adams County Bar Association. These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. **IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION.** The information provided herein is not legal advice and is not to be used as a substitute for professional legal advice.

B. Legal Definitions

1. **Custody** means the legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody,” “physical custody,” and “shared custody.”
2. **Legal Custody** is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.
 - i. **Sole Legal Custody:** The right of one individual to exclusive legal custody of the child.
 - ii. **Shared Legal Custody:** The right of more than one individual to legal custody of the child.
3. **Physical Custody** is the actual physical possession and control of a child. When a person has physical custody of the children, regardless if they have legal custody, they can make decisions regarding the child’s health in an emergency situation. There are different types of physical custody schedules, including:
 - i. **Primary Physical Custody:** The right to assume physical custody of the child for the majority of the time. Child(ren) live with one party for the majority of the time.
 - ii. **Shared Physical Custody:** 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. Child(ren) live with each party for an equal or substantially equal amount of time.
 - iii. **Partial Physical Custody:** The right to assume physical custody of the child for less than a majority of the time. Child(ren) live with one party some of the time but not the majority of the time. A common example is when one party has the children every other weekend from Friday to Sunday, and occasionally one day during the week that they do not receive the child(ren) on the weekend.
 - iv. **Sole Physical Custody:** The right of one individual to exclusive physical custody of the child.
 - v. **[Visitation]:** Pennsylvania no longer uses the term Visitation. Partial Physical Custody, defined above, is equivalent to Visitation as defined in some states.

- vi. **Supervised Physical Custody:** 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.
4. **Relocation:** A change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights.
 5. Further information about the preceding legal definitions and about custody law may be found in the statutes that govern custody, Title 23 Pa. Consolidated Statutes Sections 5321 to 5340 (23 Pa.C.S. §§ 5321 – 40), and in the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. 1915.1 – 1915.25.

C. Custody Factors

1. In ordering any form of custody, the Court shall determine the best interest of the child by considering all relevant factors, giving weighted consideration to those factors which affect the safety of the child, including:
 - i. Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.
 - ii. The present and past abuse committed by a party or 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 provide adequate physical safeguards and supervision of the child, and the information set forth in 23 Pa.C.S. § 5329.1.
 - iii. The parental duties performed by each party on behalf of the child.
 - iv. The need for stability and continuity in the child's education, family life and community life.
 - v. The availability of extended family.
 - vi. The child's sibling relationships.
 - vii. The well-reasoned preference of the child, based on the child's maturity and judgment.
 - viii. The 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 from harm.
 - ix. Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.
 - x. Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.
 - xi. The proximity of residences of the parties.
 - xii. Each party's availability to care for the child or ability to make appropriate child-care arrangements.
 - xiii. The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

- xiv. The history of drug or alcohol abuse of a party or member of a party's household.
- xv. The mental and physical condition of a party or member of a party's household.
- xvi. Any other relevant factor.

D. Confidential Information

1. The first form in this packet is the Confidential Information Form (Form #1). There is certain information that is deemed to be confidential. The Confidential Information Form is designed to protect this confidential information and to prevent the public from accessing this information. Any confidential information should NOT be placed on any documents filed with the Court, other than the Confidential Information Form (Form #1).

What is considered confidential information?

- i. Confidential Information that pertains to custody actions:
 - Child's Names and Dates of Birth
 - Abuse Victim's Address and Other Contact Information in family court actions (Including: employer's name, address, and work schedule).
 - a. An Abuse Victim is anyone who has been granted a protective order pursuant to the Protection from Abuse Act or the Protection for Victims of Sexual Violence or Intimidation Act.
- ii. How to fill out the Order of Court (Form #3):
 - The Order of Court will ask you to fill in the name(s) of the child(ren). You should put the full initials of the child(ren) on this form.
- iii. How to fill out the Complaint (Form #4):
 - Fill out the Complaint, listing the initials and year of birth for each child. You should place your child's full name and full date of birth on the Confidential Information Form, which you will file with the Complaint. This information is considered confidential and the public should not be able to access your child's full name and full date of birth.
- iv. If you are an Abuse Victim and have a protective order:
 - You should write "AV Contact Information" anywhere your address, phone number, employer's name, employer's address, or any other contact information is requested. This will indicate to the Court that this information is confidential and that it can be found only on the Confidential Information Form.

E. Criminal Convictions, Charges, and Abuse

1. Where a party seeks any form of custody the Court shall consider whether that party or member of that party's household has been convicted of or has pleaded guilty or no contest to any of the offenses listed below or an offense in another jurisdiction substantially equivalent to any of the offenses listed below. The Court shall consider such conduct and determine that the party does not pose a threat of harm to the child before making any order of custody to that parent when considering the following charges:

Criminal homicide, aggravated assault, terroristic threats, stalking, kidnapping, unlawful restraint, false imprisonment, luring a child into a motor vehicle or structure, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual intercourse with animals, offenses relating to sex offenders, arson, incest, concealing death of child, endangering welfare of children, offenses relating to dealing in infant children, prostitution, offenses related to obscene and other sexual materials and performances, corruption of minors, sexual abuse of children, unlawful contact with minor, sexual exploitation of children, contempt for violation of a permanent or temporary Protection From Abuse Order or agreement, driving under the influence of alcohol or controlled substance, driving after imbibing alcohol or utilizing drugs, and offenses related to The Controlled Substance, Drug, Device and Cosmetic Act prohibiting manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

2. Where a party seeks any form of custody subject to the examination of the parties, the Court shall determine:
 - i. With respect to child abuse under Chapter 63 (relating to child protective services) or a child who is a victim of a crime under 18 Pa.C.S. (relating to crimes and offenses) which would constitute abuse under Chapter 63: Whether the child is the subject of an indicated or founded report of child abuse; Whether a party or a member of the party's household has been identified as the perpetrator in an indicated or founded report of child abuse; the date and circumstances of the child abuse; and the jurisdiction where the child abuse investigation took place.
 - ii. With respect to child protective services or general protective services under Chapter 63: Whether a party or a member of a party's household has been provided services; the type of services provided; the circumstances surrounding the provision of services; the status of services; the date the services were provided; and the jurisdiction where the services were provided.
3. If you have obtained information about a criminal charge filed against the other party for an offense listed above, you may move for a temporary Custody Order or modification of an existing Custody Order. The Court must schedule an

expedited hearing and the Court shall consider whether the party who is or has been charged with an offense poses a risk of physical, emotional or psychological harm to the child.

4. You can find out information about pending criminal charges, criminal convictions, guilty pleas and no contest pleas in Pennsylvania several ways. A law known as the “Jen & Dave Program” provides an information line that allows you to fill out an application in the Prothonotary’s Office after which you will be provided a number to call to get this information. There is a small per-minute fee for the call. This information can also be obtained for free from a website link on the program’s site, <http://www.jendaveprogram.us>. Another alternative is to log on to the Web Portal for the Unified Judicial System of Pennsylvania at <http://ujportal.pacourts.us/>. Once on this website, you can look up the dockets for all minor courts (Magisterial District Judges) and Common Pleas Courts in Pennsylvania. If you have correctly spelled the last name of the individual, you can find out if there are convictions or charges pending against the individual in all counties in Pennsylvania.
5. Criminal Record / Abuse History Verification
 - i. A party must file and serve with the Complaint for Custody a Verification regarding any criminal record or abuse history of that party and anyone living in that party’s household. The party must attach a blank Verification form to a Complaint served upon the other party. The party served must file with the court a Verification regarding his or her own criminal record or abuse history and anyone living in his or her household on or before the initial in-person contact with the court, but not later than 30 days after service of the Complaint. A party’s failure to file a Verification may result in sanctions against that party. If a trial is scheduled, both parties shall file and serve updated Verifications five days prior to trial.
 - ii. This packet contains a Plaintiff’s and a Defendant’s Criminal Record / Abuse History Verification. Additional copies of the blank Verification may be obtained from outside the law library on the third floor of the Adams County Courthouse or from the Courts’ Self-Help Center at <http://www.adamscounty.us>.

F. Rules of Civil Procedure

1. A copy of the Pennsylvania Rules of Civil Procedure and Adams County Local Rules can be obtained from the law library located on the Third Floor of the Adams County Courthouse. The applicable rules of court are Rules 1915.1 through 1915.25 of the Pennsylvania Rules of Civil Procedure.

G. Basic Procedure

1. This packet contains forms and instructions on how to obtain a Custody Order. If a Custody Order already exists or if there are problems with enforcing the already existing Order, then you should not use this packet but rather you should obtain

one of the other packets – Modification of a Custody Order or Enforcing a Custody Order – from the law library or from the Courts’ Self-Help Center on the Adams County website at <http://www.adamscounty.us>, and follow the instructions in those packets regarding your request to modify or enforce the Custody Order.

H. Service

STOP!! READ THE FOLLOWING PARAGRAPH CAREFULLY!

1. The Pennsylvania Rules of Civil Procedure require that all documents (including Petitions, Complaints and Orders) that you file with the Court must be served by you on the other party, or their attorney of record, if any. This includes any Orders you receive scheduling an appearance before the Judge as a result of your filing. Although the Prothonotary’s Office may send a copy of a Scheduling Order to the parties, **THIS IS NOT SERVICE**. If you do not properly serve all other parties, your case may be delayed, or even dismissed. This packet includes information on how to properly serve the other party.

I. Obtaining a Custody Order

1. **If there is a Custody Agreement:** You can initiate a custody action by yourself or through an attorney. Even if there is an agreement about custody, you still need to complete a Complaint for Custody, file the Complaint at the Prothonotary’s Office, and follow the instructions in this packet for service. The Court will schedule a time for all parties involved to meet at the Courthouse to place the agreement on the record for entry of an Order.
2. **If there is NO Custody Agreement:** You must complete various documents that need to be filed at the Prothonotary’s Office. After the Court receives all of your properly filed documents, a custody presentation will be scheduled by Court Order. You must then pick up the Court Order that schedules the custody presentation from the Prothonotary, as well as your Complaint for Custody, completed Plaintiff’s Criminal Record / Abuse History Verification and blank Defendant’s Criminal Record / Abuse History Verification, and properly serve or provide a copy of those documents to the other side. You must prove, by filling out and filing an appropriate document, that you served the other side. If necessary, a custody trial will be scheduled at the time of the custody conference.
3. **What is a Custody Presentation?** In Adams County, the first time that you come to Court in a custody case will not be a trial, unless a Judge has signed an Order that says otherwise. Normally, the first time that you come to Court will be for a Custody Presentation.
 - i. A Custody Presentation is held for the following reasons:
 - To make the Judge familiar with your custody case.
 - To have you and the other party meet with the Judge and tell the Judge what the case will be about if there is a trial.

- To find out whether it is possible for everyone in the case to agree to a custody schedule without having a trial.
 - To have the Judge establish a custody schedule between the time of the presentation and the time of the custody trial if the parties are unable to resolve their differences by agreement.
- ii. You will need to attend the custody presentation at the date, time, and place set forth in the Court Order. The Court will determine whether the parties can agree on an appropriate custody schedule. If no agreement is reached, the Court will order a temporary custody arrangement and set a date and time for a conciliation conference.

4. What is a Custody Conciliation Conference?

- i. After the custody presentation, you will receive a Court Order to attend a Custody Conciliation Conference.
- ii. A Custody Conciliation Conference is where both parties, and their attorneys meet with a Court appointed Conciliator to attempt to resolve the case. The Conciliator is an attorney that is familiar with family law.
- iii. If you and your co-parent agree to a custody schedule, then the Conciliator can document your agreement and submit it to the Court to be entered as an Order of Court.
- iv. If you are unable to agree to a custody schedule, then you will proceed to a custody trial before a Judge.
- v. Prior to arriving at the Custody Conciliation Conference, you should complete the Custody Conciliation Memorandum, which is included in this packet. This document helps the Custody Conciliator better understand your case.

5. What is a Custody Trial?

- i. At the trial, you will present witnesses and exhibits in support of your request for custody. At the end of the trial, the Court will enter an Order resolving the custody dispute.
- ii. If the Judge schedules a trial, you may be ordered to complete a PARENTING PLAN. You will need to complete the PARENTING PLAN, file it with the Prothonotary, and serve it on the other party. You will also need to file the Certificate of Service proving you served the PARENTING PLAN. The PARENTING PLAN is available in the Parenting Plan Packet, which you may obtain from outside the Adams County Law Library on the third floor of the Adams County Courthouse, or from the Courts' Self-Help Center on the Adams County Website, found at <http://www.adamscounty.us>.
- iii. If the Judge schedules a trial, you may do a great disservice to yourself and your children if you do not consult with and hire a licensed attorney. If you do not have an attorney representing you, you will be considered to have all the knowledge and training of a lawyer during the trial. That means you must follow all rules of procedure like a lawyer does.

J. Enforcing a Custody Order

1. If a party violates the provisions of a Custody Order, then you can file a Petition for Civil Contempt along with a Notice and Order to Appear. After the Court receives a completed Petition for Civil Contempt along with a Notice and Order to Appear, a date and time will be scheduled for a hearing. These documents must be properly served on all parties and proper documentation of service must be submitted to the Court. At the hearing, the Court will review the evidence, and if necessary, take testimony from any witnesses. If someone violates a Custody Order, then he/she can be subject to a fine and/or imprisonment. The Enforcing a Custody Order Packet is available for your use regarding enforcing a Custody Order should the need arise, and can be obtained from outside the Adams County Law Library on the third floor of the Adams County Courthouse or from the Courts' Self-Help Center on the internet at <http://www.adamscounty.us>.

K. Modifying a Custody Order

1. If a Custody Order already exists but circumstances have changed, then you can file a Petition for Modification along with an Order of Court. The Court will schedule a date and time for a trial by Court Order. These documents must be properly served on all parties and proper documentation of service must be submitted to the Court. At the trial, the Court will review the evidence, and if necessary, take testimony from any witnesses. If the Court determines that the modification is warranted, then a new Court Order will be issued. The Modification of Custody Order Packet is available for your use regarding modifying a Custody Order should the need arise, and can be obtained from outside the Adams County Law Library on the third floor of the Adams County Courthouse or from the Courts' Self-Help Center on the internet at <http://www.adamscounty.us>.

L. Relocation

1. If one party wants to move, and the change in residence of the child will significantly impair the ability of the non-relocating party to exercise custodial rights, the moving party must file a Notice of Proposed Relocation no later than 60 days before the move. In certain circumstances, this Notice can be filed later than 60 days before the move. Relocation cases are complicated and it is strongly suggested that you talk to an attorney if you plan to relocate with the child or if the other party plans to relocate with the child. The Relocation of Custody Packet is available to help all parties in a relocation case and contains important information about the relocation process. The Relocation of Custody Packet can be obtained from outside the Adams County Law Library on the third floor of the Adams County Courthouse or from the Courts' Self-Help Center on the internet at <http://www.adamscounty.us>.

INSTRUCTIONS

If you have not already done so, prior to beginning this Section, please detach the forms at the end of this packet. Please note that the forms at the end of the packet are in the same order as these instructions.

You must use forms #1, #2, #3, #4, #5, #6 and #10 and either form #7, #8, or #9

A checklist is provided for you to chart your progress. The checklist is arranged in chronological order. Please refer to the checklist as you complete the materials in this packet.

A. **Instructions** for completing the CONFIDENTIAL INFORMATION FORM- Form #1

1. **CAPTION**

- i. Print your name on the Plaintiff line and the name of the other parent(s) or guardian(s) of the child(ren) on the Defendant line(s).
- ii. The line for the Case No. should be left blank because the Prothonotary will fill in this blank when you bring your completed form to their office, along with your COMPLAINT FOR CUSTODY.

2. **BOX 1 (page 1 and 3 of Form #1)**

- i. Print the initials and the full name of the first minor child where the form states "This information pertains to a minor with the initials of ____ and the full name of _____."
- ii. This form provides enough space for two minor children. If you have additional minor children, then you will need to use the third page of the form with the heading "Additional page (if necessary). If you have more than four minor children, then you will need to make copies of the Additional Page and include them with the Confidential Information Form. You will repeat step (i) for each minor child.

3. If you are an abuse victim, then please complete the Abuse Victim Addendum in step 4.

4. If you are not an abuse victim, then you should sign and date the second page of the Confidential Information Page. You will also need to include your printed name, address, telephone, and email address.

***The Certificate of Compliance form should be completed and filed with **EVERY** document that you file with the Prothonotary.

5. **ABUSE VICTIM ADDENDUM (pg. 4)**

- i. If you have been granted a protective order pursuant to the Protection from Abuse Act or the Protection for victims of Sexual Violence or Intimidation Act, then you should include this form with the Confidential Information Form.
- ii. First, you should check which type of family court action this applies to. In this case, you will check "Child Custody."
- iii. In the first block on the first line you should print your full name. On the second line you should print the case number of the Protection Order you

received. This is not the Child Custody docket number. This is a separate docket number that will appear in the caption of the Protection Order you received. On the third line you should print the Court or County in which you received the Protection Order.

- iv. In the second block you should print your address, your Employer's Name and Address, your Work Schedule, and any Other Contact Information.
- v. There is also an additional Abuse Victim Addendum page, if you have additional information that will not fit on the first Abuse Victim Addendum page.
- vi. Once you have completed the Confidential Information Form and the Abuse Victim Addendum, then you should sign and date the second page of the Confidential Information Page. You must also include your printed name, address, telephone, and email address, so the Court can reach you.

B. Instructions for completing the ENTRY OF APPEARANCE OF SELF REPRESENTED PARTY – Form #2.

1. CAPTION

- i. Print your name on the Plaintiff line and the name of the other parent(s) or guardian(s) of the child on the Defendant line(s).
- ii. The line for the Case No. should be left blank because the Prothonotary will fill in this blank when you bring your completed form to their office, along with your COMPLAINT FOR CUSTODY.

2. PARAGRAPH 1

- i. Check the box indicating that you are the Plaintiff.

3. PARAGRAPH 2

- i. Check the box indicating that this is a custody case.

4. PARAGRAPH 3

- i. Check the box next to "a" to indicate that you are representing yourself in this custody case.

5. PARAGRAPH 4

- i. State your name, address, and telephone numbers in the spaces provided, or an alternate address and phone number where you may be served by mail and contacted by telephone.

6. PARAGRAPH 5

- i. Sign and date the ENTRY OF APPEARANCE.

- 7. CERTIFICATE OF COMPLIANCE:** Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Entry of Appearance.

8. The ENTRY OF APPEARANCE must be filed in the Prothonotary's Office and you must file a new form every time your address or telephone number changes.

C. **Instructions** for completing the ORDER OF COURT– Form #3. The ORDER OF COURT has blank spaces and boxes for you to fill in the appropriate information or select an option. Below is a step by step guide for completing the ORDER OF COURT.

1. CAPTION

- i. Print your name on the Plaintiff line and the name of the other parent(s) or guardian(s) of the child on the Defendant line(s).
- ii. The line for the Case No. should be left blank because the Prothonotary will fill in this blank when you bring your completed form to their office, along with your COMPLAINT FOR CUSTODY.

2. ORDER OF COURT

- i. Print the name of the Defendant(s) on the line provided.
- ii. Circle "obtain" custody.
- iii. List the initials of all child(ren).

DO NOT FILL IN ANYTHING FURTHER.

THE COURT WILL FILL IN THE DATE, TIME AND PLACE FOR THE CUSTODY PRESENTATION AND CHILD(REN) SHOULD NOT BE BROUGHT TO CUSTODY PRESENTATION.

AFTER THE COURT FILLS IN THE DATE AND TIME FOR THE CUSTODY PRESENTATION, THE ORDER WILL BE RETURNED TO THE PROTHONOTARY.

ONCE THE PROTHONOTARY RECEIVES THE COURT ORDER, YOU MUST PICK UP COPIES OF THE ORDER AND SERVE THE "ORDER OF COURT FOR COMPLAINT FOR CUSTODY," AS WELL AS YOUR "ENTRY OF APPEARANCE," YOUR "COMPLAINT FOR CUSTODY," YOUR "PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION," AND BLANK "DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION" ON THE DEFENDANT(S). NEITHER THE COURT NOR THE PROTHONOTARY WILL SERVE THESE DOCUMENTS. ALTHOUGH THE PROTHONOTARY MAY MAIL A COPY OF THE ORDER TO THE PARTIES, THIS IS NOT PROPER SERVICE AS REQUIRED BY THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

PLEASE FOLLOW THE INSTRUCTIONS REGARDING SERVICE IN THIS SECTION.

IF YOU DO NOT SERVE THE "ORDER OF COURT FOR COMPLAINT FOR CUSTODY," "ENTRY OF APPEARANCE," "COMPLAINT FOR CUSTODY," AND "CRIMINAL RECORD / ABUSE VERIFICATIONS," OR IF YOU DO NOT SERVE

THESE DOCUMENTS CORRECTLY, THEN YOUR CASE MAY BE DELAYED OR EVEN DISMISSED.

D. **Instructions** for completing the COMPLAINT FOR CUSTODY – Form #4. The COMPLAINT FOR CUSTODY has blank spaces and boxes for you to fill in the appropriate information or select an option. Below is a step-by-step guide for completing the COMPLAINT.

1. CAPTION

- i. Print your name on the Plaintiff line and indicate who is the other parent(s) or guardian(s) of the child on the Defendant line(s).
- ii. The line for Case No. should be left blank because the Prothonotary will fill in this blank when you bring your completed form to the Prothonotary's Office. Take note of the case number for your records. This is the number that the Court will use to track your custody action throughout the entire process. From this point on, all documents filed with the Court should include this Case No.
- iii. DO NOT submit any other materials to the Prothonotary's Office without this Case No.

2. EMERGENCY ORDER REQUESTED

- i. If you believe the circumstances in your case require the Court's immediate attention, please check "Yes" in the box provided.
- ii. Check "Yes" ONLY if you have an emergency situation which requires an immediate Court Order AND which cannot wait until a normally scheduled conference – usually held in about three weeks. Check "Yes" ONLY in the most extreme situations such as when the other parent is threatening to leave the area with the child and permanently hide the child from the Court or the other parent.
- iii. Please also complete PARAGRAPH 10 Request for Emergency Order (see instructions below).
- iv. Check "No" if this is NOT an emergency situation. Do NOT complete PARAGRAPH 10 if you checked "No."

3. PARAGRAPH 1

- i. Print your name as Plaintiff and current address in the space provided.

4. PARAGRAPH 2

- i. Print the name of the other parent(s) or guardian(s) of the child on the Defendant line(s), current address(es), and indicate what relationship they have with the child.

5. PARAGRAPH 3

- i. 3(a) – Check the boxes to indicate whether you are seeking sole or shared legal custody and/or primary, shared, partial, sole, or supervised physical custody of the child(ren).
- ii. 3(b) – Circle whether the child(ren) were or were not born out of wedlock.

- iii. 3(c) – Print the name(s) and address(es) of all persons with whom the child(ren) is presently living.
- iv. 3(d) – Print the name(s), address(es), and time period of all persons with whom the child(ren) has resided within the last five years.
- v. 3(e) – Print the name and address of a parent of the child(ren). Also, please check whether the parent is married, divorced, or single.
- vi. 3(f) – Print the name and address of a parent of the child(ren). Also please check whether the parent is married, divorced or single.

6. PARAGRAPH 4

- i. Indicate what relationship the Plaintiff has to the child(ren) and print the names of all persons with whom the Plaintiff resides, and their relationship to the children.

7. PARAGRAPH 5

- i. Indicate what relationship the Defendant(s) has to the child(ren) and print the names of all persons with whom the Defendant resides, and their relationship to the children.

8. PARAGRAPH 6

- i. 6(a) – Circle whether you have or have not participated as a party or witness or in any capacity in other litigation concerning the child(ren). If you have been involved in litigation, then please provide the name of the court, case number, and its relationship to this custody action.
- ii. 6(b) – Circle whether you have or don't have any information of a custody proceeding concerning the child(ren) pending in this Commonwealth or another state. If you have information, then please provide the name of the court, term and number, and its relationship to this action.
- iii. 6(c) – Circle whether you know or don't know of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren). If you have information, then please provide their name(s) and address(es).

9. PARAGRAPH 7

- i. Explain fully why you believe it would be in the best interests of the child(ren) for the Court to grant your request.

10. PARAGRAPH 8

- i. Print the name and address of any person who may claim a right to custody of the child(ren) along with the basis for their claim.

11. PARAGRAPH 9

- i. 9(a) – If you, the plaintiff, are a grandparent of the child, who is not in loco parentis to the child, and you are seeking physical and/or legal custody of the child, you must state facts that establish standing pursuant to 23 Pa.C.S. § 5324(3).

- ii. 9(b) – If you, the plaintiff, are a grandparent or great-grandparent of the child, who is seeking partial physical custody or supervised physical custody of the child, you must state facts that establish standing pursuant to 23 Pa.C.S. § 5325.
- iii. 9(c) – If you, the plaintiff, are 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.

12. PARAGRAPH 10: REQUEST FOR EMERGENCY ORDER

- i. Complete this section only if you have checked “Yes” to Emergency Order Requested on Page 1 of Form #3. Describe in detail the emergency situation which needs the Court’s immediate attention. Be sure to complete Paragraph 11 with Emergency Contact Information for all parties.

13. PARAGRAPH 11: EMERGENCY CONTACT INFORMATION

- i. Please include Emergency Contact Information for both the Plaintiff and the Defendant(s).

14. PARAGRAPH 12

- i. Attach the completed Plaintiff’s Criminal Record / Abuse History Verification form to the Complaint.

15. FOR THESE REASONS

- i. Check all of the box(es) which apply to your request. Remember, the court may not grant all of your requests.

16. VERIFICATION

- i. Read carefully, and then date and sign the form.

CERTIFICATE OF COMPLIANCE: Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Complaint for Custody.

D. Instructions for completing the PLAINTIFF’S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION – Form #5.

1. CAPTION

- i. Print your name on the Plaintiff line and indicate who is the other parent(s) or guardian(s) of the child on the Defendant line(s).
- ii. The line for Case No. should be left blank because the Prothonotary will fill in this blank when you bring your completed form to the Prothonotary’s Office. Take note of the case number for your records. This is the number that the Court will use to track your custody action throughout the entire process. From this point on, all documents filed with the Court should include this Case No.

- iii. DO NOT submit any other materials to the Prothonotary's Office without this Case No.

2. BELOW THE CAPTION

- i. Print your name again in the blank below the caption.

3. PARAGRAPH 1

- i. If you or any member of your household has 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 listed crimes, check the box next to the listed crime, check the correct box indicating if you or a member of your household, state the date of conviction, guilty plea, no contest plea or pending charges, and indicate the sentence.

4. PARAGRAPH 2

- i. If you or any member of your household has a history of violent or abusive conduct, check all that apply, check the correct box indicating if you or a member of your household, and state the date.

5. PARAGRAPH 3

- i. List any evaluation, counseling or other treatment received following conviction or finding of abuse.

6. PARAGRAPH 4

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

7. PARAGRAPHS 5, 6, 7, and 8

- i. If you are aware that the other party or members of the other party's household has or have a criminal record/abuse history, please explain.
- ii. If the child/children involved with this custody case have been the subject of an indicated or founded report of child abuse, and/or if a party or a member of a party's household has been identified as a perpetrator in an indicated or founded report of child abuse, please explain.
- iii. If a party or a member of a party's household has been provided services by children & youth services, child protective services, or general protective services, please explain.
- iv. If you aware of any pending investigations of abuse, please explain.

8. VERIFICATION

- i. Read carefully, and then sign, date and complete the form.

9. **CERTIFICATE OF COMPLIANCE:** Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Plaintiff's Criminal Record and Abuse History.

E. **Instructions** for completing the DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION – Form #6.

1. **CAPTION**

- i. Print your name on the Plaintiff line and indicate who is the other parent(s) or guardian(s) of the child on the Defendant line(s).
- ii. State the case number in the blank.

2. **DO NOT COMPLETE ANY OTHER PART OF THIS FORM**

- i. You will be serving the blank DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION on the Defendant, see below.

F. **Instructions** for making copies, creating envelopes and filing with the Prothonotary.

1. **After completing the CONFIDENTIAL INFORMATION FORM, ENTRY OF APPEARANCE, the ORDER OF COURT, the COMPLAINT FOR CUSTODY, and the PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION, copies must be made:**

- i. CONFIDENTIAL INFORMATION FORM: No copies shall be made.
- ii. ENTRY OF APPEARANCE: make one copy of the ENTRY OF APPEARANCE for each Plaintiff and Defendant in the case. If you are the only Plaintiff and there is one Defendant, for example, make two copies.
- iii. ORDER OF COURT: make one copy of the ORDER OF COURT for each Plaintiff and Defendant in the case. If you are the only Plaintiff and there is one Defendant, for example, make two copies.
- iv. COMPLAINT: make one copy of the COMPLAINT for each Plaintiff and Defendant in the case. If you are the only Plaintiff and there is one Defendant, for example, make two copies.
- v. PLAINTIFF'S VERIFICATION: make one copy of the PLAINTIFF'S VERIFICATION for each Plaintiff and Defendant in the case.

2. **You must also make a SELF ADDRESSED STAMPED ENVELOPE for yourself and one for each Defendant in the case at their respective addresses in order for the Prothonotary to mail to you and the Defendants the ORDER OF COURT after the Judge signs it.**

- i. For each Plaintiff and Defendant in the case, make up one envelope. Put a first class stamp on each envelope and the mailing address of the Plaintiff or Defendant. Do NOT seal the envelopes. The Prothonotary will use these envelopes to mail the ORDER OF COURT to the Plaintiffs and Defendants.

3. **File the CONFIDENTIAL INFORMATION FORM, ENTRY OF APPEARANCE, the ORDER OF COURT, the COMPLAINT FOR CUSTODY, the PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION, and the ENVELOPES with the Prothonotary. Pay the proper FILING FEE.**
 - i. Call the Prothonotary at 717-337-9834 or consult the Adams County website at <http://www.adamscounty.us> for the proper FILING FEE.
 - ii. File the original of the Confidential Information Form.
 - iii. File the Original and ALL Copies of the ENTRY OF APPEARANCE. The Prothonotary will keep the Original and give you back all of the Copies at this time.
 - iv. File the Original and ALL Copies of the ORDER OF COURT.
 - v. File the Original and ALL Copies of the COMPLAINT and PLAINTIFF'S VERIFICATION. The Prothonotary will keep the Originals and give you back all of the Copies at this time.
 - vi. File the ENVELOPES that you made.
4. **After you have filed your documents with the Prothonotary, you must wait until the Prothonotary gets the signed ORDER OF COURT back from the Judge.**
 - i. Pick up the signed copies of the ORDER OF COURT in the Prothonotary's Office after the Judge signs the Order and it is sent back to the Prothonotary.
 - ii. You may call the Prothonotary at 717-337-9834 to find out if the Prothonotary has received the Order back from the Judge.
5. **A copy of the ENTRY OF APPEARANCE, the COMPLAINT FOR CUSTODY, the PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION, the blank DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION, and a copy of the signed ORDER OF COURT must then be served on each Defendant. Instructions on serving these documents are below.**

G. **Instructions** for serving the ENTRY OF APPEARANCE, ORDER OF COURT, COMPLAINT FOR CUSTODY, PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION, and blank DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION.

1. **How do you SERVE documents (i.e. give them to the other parties)?**
 - i. You will need to have all parties served with a copy of ALL papers that you filed with the Prothonotary's Office, including the ENTRY OF APPEARANCE, ORDER OF COURT, COMPLAINT FOR CUSTODY, and PLAINTIFF'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION. You must also serve a blank DEFENDANT'S CRIMINAL RECORD / ABUSE HISTORY VERIFICATION on all parties. You must prove that the other person received these papers. You

may use any method in this packet, but you must be able to provide the Court with the correct documentation regarding the method you used.

- ii. **ATTENTION: YOU MUST SERVE ALL OF THE DOCUMENTS IN THIS CASE.** Neither the Court nor the Prothonotary's Office will serve any documents for you. Although the Prothonotary may mail a copy of the Order to the parties, this is not service!
- iii. If you come to court and cannot prove to the Judge that you properly served all documents in your case, then the Judge may not be able to give you a Custody Order. This is because the other party in this case has a right to know that you have filed for custody and that you are asking the Court for a Custody Order.

2. What Methods of Service are available?

- i. Certified Mail, restricted delivery, return receipt requested (Use Form #7)
- ii. Personal Service, by Sheriff, Constable, or other person over the age of 18 years (THIS OTHER PERSON OVER THE AGE OF 18 YEARS CANNOT BE YOU), (Use Form #8).
- iii. Personal Service, by you handing the party(ies) a copy of ALL papers: HOWEVER, this is only considered proper and valid service if the other party or parties cooperate by signing an ACCEPTANCE OF SERVICE (Form #9) as set forth below. If they will not cooperate and will not sign the ACCEPTANCE OF SERVICE, then you must use one of the previous two methods of service set forth above.

3. What type of Documentation should be completed?

- i. If you serve the other party(ies) by Certified Mail, restricted delivery, return receipt requested, then complete the AFFIDAVIT OF SERVICE (CERTIFIED MAIL) (Form #7) for each party and attach the Certified Mail Receipt (which is green in color) and file this form with the Prothonotary's Office.
- ii. If a Sheriff, Constable or other person over the age of 18 (OTHER THAN YOU) hands the papers to the defendant(s), then complete the AFFIDAVIT OF SERVICE (BY THIRD PARTY) (Form #8) for each party and file this form with the Prothonotary's Office. This form requires the signature of the third party.
- iii. If you hand the papers to the Defendant(s), then complete the top part of the ACCEPTANCE OF SERVICE (Form #9) and have the Defendant sign and date the form. File this form with the Prothonotary's Office. This form requires the signature of the Defendant. If the Defendant refuses to sign, then you must use another method of service such as Certified Mail or Service by a third party.
- iv. **CERTIFICATE OF COMPLIANCE:** Fill in the caption of the Certificate of Compliance. Then sign and date the Certificate of Compliance. This document is filed at the same time with the Affidavit of Service.

H. **Instructions** for completing the CONCILIATION CONFERENCE MEMORANDUM – Form #10.

1. You will need to attend the custody presentation at the date, time and place set forth in the Court Order. The Court will determine whether the parties can agree on an appropriate custody schedule. If no agreement is reached the Court will order a temporary custody arrangement and schedule you to attend a Custody Conciliation. At the conciliation conference, you will need to submit copies of the custody conciliation memorandum to the Court and the other party. The purpose of the memorandum is to help the Judge and the parties understand what is going on in your case. Please refer to the following step-by-step instructions for completing the CUSTODY CONCILIATION MEMORANDUM.
2. **CAPTION**
 - i. Print your name in the line for Plaintiff, the name(s) of the other parent or guardian of the child(ren) in the line(s) for Defendant(s), and the case number. This should appear exactly as the caption looks for your COMPLAINT FOR CUSTODY.
3. **BRIEF FACTUAL BACKGROUND**
 - i. List a brief background of the current custody schedule in this space. This includes what the current custody schedule is.
4. **INITIALS AND CURRENT AGE OF EACH CHILD**
 - i. List the initials and current age for each child.
5. **FACTUAL AND LEGAL ISSUES FOR RESOLUTION**
 - i. List the factual and legal disputes between you and the other party. This will include what you would like the custody schedule to be and any other disputes that you may have.
6. **HOME STUDY**
 - i. Questions numbers 4 and 5 ask you to circle whether you are requesting a home study of your own house or a home study of the opposing parties' house. This will typically be conducted by Adams County Children and Youth Services and you will be responsible for paying for the home study.
7. **Custody Evaluation**
 - i. Question number 6 asks you to circle whether you are requesting a custody evaluation. This is performed by a third party professional and you will be responsible for paying the costs associated with the evaluation.

8. Proposed Resolution

- i. The final question asks you to list what a proposed resolution to the custody litigation may be. This is where you will want to write down if you have any settlement offers that you are willing to offer the other side.
- ii. This question also references Parenting Plans. Parenting plans are well thought out custody arrangements that are written out in the Parenting Plan. You can find a blank Parenting Plan outside of the Law Library on the third floor of the Adams County Courthouse.

9. Completing the MEMORANDUM

- i. After you have completed the memorandum, you should sign and date it.
- ii. You must then make at least two (2) copies of the memorandum prior to attending the conciliation conference.
- iii. File the original and all copies with the Prothonotary's Office prior to attending the conciliation conference. The Prothonotary will give you back the copies after filing.
- iv. Bring all of the filed copies with you to the conciliation conference.
- v. At the conference, you should hand a copy of the filed memorandum to the other party, and keep a copy for your records.
- vi. **CERTIFICATE OF COMPLIANCE:** Sign and date the Certificate of Compliance. List your address and telephone number. This document is filed at the same time with the Custody Conference Memorandum.